Mr. Chairman, it is about time that we get the train back on the track. I can understand the gentleman's aversion to the Department of Health, Education, and Welfare. I do not hold such aversion, but that is his privilege. Certainly I am not going to let the Department of Health, Education, and Welfare, that will only enter this picture incidentally, influence me or worry me about the validity of the bill now before us.

We have a moral commitment in this matter. We passed a law authorizing the President, through an executive department or any independent agency designated by him, to cooperate with the Washington State Fair Commission with respect to determining the extent to which the United States shall participate as an exhibitor at the World's Pan Pacific Scientific Exposition, now known as Century 21. This was the authority.

The President, acting on the authority, reported back to this House and suggested legislation to implement what we had asked him to do in the 85th Congress. That is all we are considering here today.

I have heard a great deal in recent days about accepting the recommendations of the President. He is your President and my President. He has made this very formal recommendation and the Bureau of the Budget has cleared it. I do not know what more is necessary than this, if we are going to keep faith with the people of this country and the people of Seattle. To me this moral obligation is quite binding and it was on that and acting in good faith, accepting the recommendation of the President, that this committee held rather extensive hearings.

I may say, for the benefit of the gentleman from Iowa, that I do not know that another bill of this nature would ever come before the Committee on Science and Astronautics. The only reason it was referred to that committee was because science is stressed in the coming exposition. Science is the theme of this fair. I presume the next World's Fair that will be held in this country will be on transportation or some other theme and the bill would go to another committee. But suffice it to say that we have talked a lot, we have gone far afield, so I ask you now to go back to the purpose of the bill, which is to implement our pledged obligation by carrying out the recommendations of the President and the Bureau of the Budget.

Mr. BROOKS of Louisiana. Mr. Chairman, I renew my request at this time that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The remainder of the bill follows:

SEC. 2. (a) Clause 5 of section 3 of said Act is hereby amended to read as follows:

"(5) incur such other expenses as may be necessary to carry out the purposes of this Act, including but not limited to expenditures involved in the selection, purchase, rental, construction, and other acquisition of exhibits and materials and equipment therefor and the actual display thereof, and including but not limited to related expenditures for costs of transportation, insurance, installation, safekeeping, maintenance and operation, rental of space and dismantling; and."

(b) Add clause 7 to section 3 of said Act as follows:

"(7) procure services as authorized by the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $50 per diem."

SEC. 3. That part of clause 3 of section 3 of said Act before the proviso is hereby amended to read as follows:

"(3) erect such buildings and other structures as may be necessary for United States participation in the exposition, on land conveyed to the United States free of liens and encumbrances or leased to the United States for a period of not less than 20 years, whichever may be determined by the United States to be in its best interests (in consideration of the participation by the United States in the exposition, and without further consideration other than that of continued use for public purposes), by the State of Washington or by any local government of such State or any political subdivision or instrumentality of either."

SEC. 4. Section 6 of said Act is hereby amended to read as follows:

"SEC. 6. After the close of the exposition, all property, real and personal, acquired or received pursuant to section 3 thereof and all property purchased or erected with funds provided pursuant to this Act shall be utilized and disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471), and other applicable Federal laws relating to the disposition of excess and surplus property."

SEC. 5. Section 7 of said Act is hereby repealed and in lieu thereof add a new section 7 and a new section 8 to said Act, all reading as follows:

"SEC. 7. There is hereby authorized to be appropriated, to remain available until expended, not to exceed $12,500,000 to carry out the provisions of this Act, including participation in the exposition.

"SEC. 8. The functions authorized in this Act may be performed without regard to the prohibitions and limitations of section 3735, Revised Statutes (41 U.S.C. 13)."

The CHAIRMAN. Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8374) to amend Public Law 85-880, and for other purposes, pursuant to House Resolution 345, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mrs. CHURCH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. For what purpose is the gentlewoman making that point?

Mrs. CHURCH. So that there may be a call of the House, Mr. Speaker.

The SPEAKER. Evidently a quorum is not present.

Mr. HARRIS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Alford	Hays	Osmers
Barry	Holifield	Pilcher
Blitch	Horan	Powell
Bolton	Jackson	Rodino
Bowles	Jensen	Shelley
Boykin	Johnson, Colo.	Sikes
Buckley	Jonas	Spence
Canfield	Kee	Steed
Cooley	Kilburn	Taber
Dawson	Kilday	Taylor
Diggs	Kirwan	Teague, Tex.
Dingell	Lennon	Teller
Dooley	McSween	Thomas
Durham	Macdonald	Thompson, La.
Elliott	Martin	Van Pelt
Evins	Mason	Wainwright
Farbstein	Miller, N.Y.	Williams
Gallagher	Minshall	Zelenko
Hall	Mitchell	
Halleck	Morrison	

The SPEAKER. On this rollcall 376 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

The SPEAKER. The question is on the passage of the bill.

Mr. JOHANSEN. Mr. Speaker, on this I ask for the yeas and nays.

The yeas and nays were refused.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to extend their remarks on the bill H.R. 8374 just passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE ON RULES

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING SECTION 315 OF THE COMMUNICATIONS ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 343 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7985), to amend the Communications Act of 1934 with respect to facilities for candidates for public office. After general debate, which

shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Idaho [Mr. BUDGE], and pending that I yield myself such time as I may consume.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. BOLLING. Mr. Speaker, House resolution 343 makes in order the consideration of H.R. 7985, which would amend the Communications Act of 1934 with respect to facilities for candidates for public office. The resolution provides for an open rule and 3 hours of general debate.

The purpose of the bill, as amended by the Interstate and Foreign Commerce Committee, is to exempt from the equal-time requirement of section 315 of the Communications Act of 1934 any appearance by a legally qualified candidate on any bona fide newscast—including news interview—or on any on-the-spot coverage of news events—including but not limited to political conventions and activities incidental thereto—provided the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of the news.

The bill, as amended by the committee, would add a new sentence at the end of subsection (a) of section 315, as follows:

Appearance by a legally qualified candidate on any bona fide newscast (including news interviews) or on any on-the-spot coverage of news events (including but not limited to political conventions and activities incidental thereto), where the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of news, shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

Due to the great amount of existing confusion as to whether a person is considered a candidate for a political office when appearing on radio or TV, the committee feels that it is necessary that this situation be clarified, even if it requires the enactment of additional legislation on the subject.

Therefore, I urge the adoption of this resolution.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield for a question?

Mr. BOLLING. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. In the gentleman's opinion does he feel that this legislation will offer the greatest benefits to the candidates or to the radio and television stations, particularly the network stations?

Mr. BOLLING. I will say to the gentleman from Missouri that I make no claim to be a great expert on the substance of this, but that is one of the matters that concerned me in committee. My impression of the testimony we heard from witnesses from the Committee on Interstate and Foreign Commerce was that it recognized that particular problem and had attempted to come up with language which would well serve both the networks and the candidates. It is in effect an attempt, as I understand it, to meet a very difficult problem in a compromise way.

Mr. JONES of Missouri. I thank the gentleman.

I would like to make an observation. In reading this bill it appears to me what you are attempting to do here today or what the committee and this bill attempt to do, is to offer some protection and to give some guarantees to the stations, particularly the large networks stations, without doing anything to benefit the candidates themselves. In effect, it would actually take away some of the opportunities that some candidates might have at the present time which they would not have if this legislation is adopted. Is that a correct statement?

Mr. BOLLING. I cannot disagree with the gentleman from Missouri on that. This bill is designed to meet a problem raised by a perennial candidate insisting that because somebody he was running against had a certain amount of time on newscasts, he should have equal time. Obviously this bill is to protect the stations from a very awkward situation that developed, I think it was through the Lar Daly case. It seems to me clear that the stations do deserve some protection in this area in view of the decision in this particular case. I repeat again, it seems to me, this is at least a reasonable approach to the solution of a difficult problem, both from the point of view of the candidates and the networks.

Mr. JONES of Missouri. The gentleman says they are bringing this bill here under an open rule. I would like to ask the gentleman, Is this an open rule or merely an open rule with respect to this one particular section which applies only to helping the large network stations and does not help other people, and that you are not permitting under this rule amendments which might be offered to the Communications Act that would help some other stations, that would help the general public and would help many other candidates?

Mr. BOLLING. I may say to the gentleman that I would not attempt to guess in advance what might be the decision of the gentleman occupying the Chair of the Committee of the Whole on that kind of a parliamentary problem. I am not in position to say how wide open the Communications Act is, whether it may be open as to this particular section or to the whole act. All I can say to the gentleman is that insofar as the Committee on Rules can grant an open rule, this is an open rule.

Mr. JONES of Missouri. I thank the gentleman.

Mr. BUDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, in my opinion, is most necessary. The broadcasting media of the country has found itself in an impossible situation since the decision of the Federal Communications Commisson in the Lar Daly case.

What it boils down to is this: If a man is a candidate for coroner or chief of police or for Congress or for anything else, and he is shown on a bona fide news broadcast, no matter whether connected with his candidacy or not or whether he even knew of or gave consent to such showing, anyone who is a candidate for that particular office may demand equal time from the radio or television station or stations.

The bill before the House as provided in this rule adds one section to the present act, and which section reads as follows:

Appearance by a legally qualified candidate on any bona fide newscast (including news interviews) or on any on-the-spot coverage of news events (including but not limited to political conventions and activities incidental thereto), where the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of news, shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

I think it is quite important to note that the language of the committee bill provides that such coverage must be incidental to the presentation of news. In other words, this amendment to the present act could not be used as a subterfuge for the promotion of the candidacy of any particular individual.

The rule should be adopted and H.R. 7985 considered by the House.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I listened with a great deal of interest in the Committee on Rules to the testimony given on this bill. I believe that it is a good piece of legislation. It is a bill that should pass the House and also, of course, be approved by the other body and sent to the President for his signature. I believe it is a very necessary piece of legislation as the result of a recent decision known as the Lar Daly case in Chicago, where the Federal Communications Commission made a ruling that because the mayor of Chicago had been shown on a newscast in connection with his civic activities and responsibilities, that then this man, Lar Daly, who had been a perennial candidate, was entitled to equal time.

In private life, I am in the newspaper publishing business. We have, under our Constitution and the Bill of Rights, freedom of the press. There is nothing in the law that can prevent a newspaper from saying anything that it may please about a candidate for public office so long as it does not violate the ordinary rules and laws relative to obscenity, slander and libel, and all of that. Any newspaper has the right to interview any candidate for public office, or any public official, on any matter it wishes, because the Constitution guarantees freedom of news and freedom of the press. I believe it is just as important to see to it that we have freedom of news and free-

dom of the press, if you want to call it that, on our radio and television stations.

This bill simply permits and provides that where it is legitimate news, or the coverage of a legitimate news event that has been instigated, not by the candidate, but rather by the media, whether it be television or radio, that seeks to interview such person, that equal time cannot be claimed.

Under the present ruling made by the Federal Communications Commission, if the Speaker of this House should be a candidate for reelection and should be interviewed while he was a candidate as to something that went on in the House, or as to his opinion on a legislative matter, then technically, under that ruling, the candidate against him could demand and get equal time. Of course, such an arrangement and such a situation just does not make good, common sense. It is a little silly and a little stupid.

This legislation has been drawn carefully by the House Committee on Interstate and Foreign Commerce just to meet those conditions so that just because a man happens to become a candidate for political office he is not barred from television and from radio, if he is newsworthy, and if the media wishes to instigate an interview with him, or bring him, perhaps, on some news program such as "Meet the Press" or "Face the Nation."

This legislation, I understand, would permit the operation of a program, such as "Meet the Press" or "Face the Nation" where an individual in public life—perhaps he might be a candidate for President or for any other high office—can be interviewed, if the station, or those in charge of the program, instigate and wish to do so and invite him on the program. However, he cannot put on a program of his own to help his own candidacy. Instead, it must be newsworthy, but it must be instigated by the station or by the news reporters that interview him.

To me, as I said a moment ago, this bill is a step in the right direction. I wish it went a little further, to be honest about it. It does not give quite as much freedom as I would like to see given, but it is a bill in the right direction to give to radio stations and television stations the same rights, with some limits, that are now enjoyed by the press of the Nation, of which I am a member.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Kansas.

Mr. AVERY. Mr. Speaker, I would like to say that some of us on this side of the House look to the gentleman in the well addressing the House now, shall I say, more or less as the official spokesman for the press and the position of the press on matters of legislation affecting journalism generally. Even though there is considerable rivalry between radio and television, I would like to state that the committee has on file some 189 editorials from different newspapers across the Nation endorsing the principle of exemption from equal time in this bill today.

Mr. BROWN of Ohio. I thank the gentleman from Kansas very much for his remarks, because I do know that generally the newspapers of the Nation favor this legislation because, all that it gives to the people of America is the right to information, to find out through these radio and television interviews just where a certain official or candidate stands, as to what he believes, and what his position may be.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Looking over the definition of "candidate" I would like to ask the gentleman from Ohio if a person becomes a candidate after a primary election, where you have a State and a primary election, or is he a qualified candidate when he announces for the primaries?

Mr. BROWN of Ohio. It is my understanding that it would apply. If he were a primary candidate he would become a political candidate. There has been no distinct ruling on this point, but it is my interpretation that the Commission or Court would probably rule that when a man officially files as a candidate for public office, either for the nomination or in a general election, he becomes a political candidate.

Mr. LAIRD. In those States where we have presidential preference primaries, where they do not have actual filing by the candidate, what is the feeling of the members of the Commission?

Mr. BROWN of Ohio. I would say that if a man has not filed as a candidate for President anywhere, but is just mentioned as presidential timber by other people, then he is not a candidate. That is my interpretation of it.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. PUCINSKI. The gentleman mentioned the fact that there were some 165 editorials in support of this legislation. Does the gentleman have any idea how many of the large radio and television stations in America are owned by the newspapers?

Mr. BROWN of Ohio. No, I do not have any idea, but a long time ago we fought that out in Congress. At one time we had a chairman of the Federal Communications Commission who thought that simply because a person owned a newspaper he should not be permitted to own a radio station or a television station. That was soon changed because, after all, even newspaper publishers are not second-class citizens. They ought to be and usually are first-class citizens.

Mr. PUCINSKI. I thank the gentleman.

Mr. BROWN of Ohio. I hope this rule will be adopted and the bill passed by a large majority, because I think, in fact I know, it is much needed legislation.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Speaker, I have some doubt about the wisdom of adopting this rule, and I say that advisedly, for this reason. As I indicated in the colloquy with the gentleman from Missouri when he presented this rule, we have observed for a long time the influence of the large networks not only on the public but on those who are charged with the responsibility of policing the broadcasting facilities of this country. This bill, as I read it—and I have tried to read it carefully—in my opinion seeks to protect the larger radio stations and particularly the networks from damage suits. I am not saying that that is not a good thing. At the same time there are many other broadcasting facilities throughout the length and breadth of this land that have been trying for years to get some consideration from the Federal Communications Commission and they have not been able to do it. If this rule is adopted and this bill is passed those people are going to have not only more power but they are going to have less interest in the small community-type radio stations that serve the districts of the majority of the Members in this Chamber.

I should like to see a rule brought in here that would permit amendments to be offered to the Federal Communications Act to bring about one change which we have been seeking for years and which we are not going to get as long as this field is dominated by the networks, and by the large radio stations of this land. I am speaking about the so-called daytime stations.

Further to identify my interest and position in this, I am interested in a small daytime station. Someone may say I have a personal interest in this. Certainly it is not a predominating interest. I am a stockholder in one of several hundred such daytime stations throughout the country. I would like to see an amendment offered on this floor to increase the length of the broadcasting day during the winter months, when the sun rises around 7 to 7:15 in the morning and sets at 4:45 in the afternoon and when your local radio station is permitted to stay on the air only from 7:15 in the morning until 4:45 in the afternoon, they are not rendering the maximum service to their community. I want to take this opportunity to correct one impression that I think the gentleman from Ohio left.

I do not agree with two statements that he made. I happen to have been in the country newspaper business too. There is freedom of the press there, and that that cannot be regulated or restricted except by the exercise of good judgment to avoid libel and damage suits. But, in my opinion, we do not have freedom of the press over the radio for this reason. Operating as the local radio station does in my community, I feel that it has a monopoly in the radio business in that community. The newspaper there does not have a monopoly because another newspaper can go in there at any time anyone wants to put up the money. But, they cannot come in there and put up another radio station without securing a license which cannot be justified. I would say in this respect, I am different from most people who operate radio stations. I feel every radio

station in the land should pay a license fee sufficient to more than pay for the maintenance and operation of the Federal Communications Commission. That is fought by all of the big stations because it would be put on a percentage basis, perhaps, or it would be based upon the power of the station. You will find very few operators of radio stations who would agree with that, but it is fair, we should pay for the operation of the agency that regulates our business.

Mr. BUDGE. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, this is a dangerous bill. We just had a demonstration of what publicity will do in connection with labor legislation. The McClellan committee worked for 2½ years or more and, apparently, was not getting anywhere until the press, radio stations, and television stations took it up, and then we were buried under letters, not only from lobbyists, but from the folks back home. The people, at least from the Fourth District of Michigan anyway, took the trouble to get a piece of paper and pencil or pen and some ink and write, and that was the kind of propaganda we all listened to because the people, or some of them anyway, who are writing and surely if we want to serve our constituents, and if we want to come back, which is the least worthy, perhaps, of all the motives, we pay attention when they speak. But here is the danger that publicity agencies may take over, but what are we to do about it? The present situation is intolerable. In my judgment, we just must do something now because should I run again, I do not want five or six or seven or eight other fellows who are just in there for fun and for the local publicity that they can get out of it or just so they can have the wife and kids sit in and listen to poppa talk—the air cannot be burdened by some who have nothing to contribute. There is no reason why such a burden should be inflicted upon the public.

I will vote for this bill regardless of that dangerous grant of power. We can take care of that—when it becomes oppressive. If I must take orders from somebody I would rather take them from my people than from the self-appointed and self-anointed Republican leaders who follow rules except the one of what we consider expedient.

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield.

Mr. HARRIS. The gentleman from Missouri obviously made his position clear a moment ago, but I think the House should understand just what the problem is and what it is that we are trying to clear up here. The question of libel is not involved at all. As to damage suits for libel, as he mentioned a moment ago, that matter was determined by the Supreme Court of the United States recently in a decision that was handed down by the Court a short while ago.

The question of daylight broadcasting is one that has been before the Commission, the Congress, and the country for a good many years. That is an entirely different subject. That is a technical engineering problem which also involves treaty problems that we have with a number of South American countries that are involved. Therefore, we should not get those things confused with the problems which we are trying to solve here.

Mr. CELLER. I think what the chairman of the committee says is perfectly sound. The remarks of the gentleman from Missouri were addressed to the question of prime hours on radio and television with relation to chains. That matter is quite alien to the subject matter of the instant bill.

The pending bill refers only to the type of political reporting that radio and television stations indulge in without having to provide equal time. It is quite different than the subject of prime hours.

I want to compliment the distinguished chairman of the Interstate and Foreign Commerce Committee and his colleagues on the committee for the manner in which they have treated this very vexatious and complex problem.

It is my considered judgment that passage of this legislation is essential if the Nation's voters are to obtain on radio and television the fullest information about candidates for public office. The urgent necessity for such legislation is underscored by the fact that under section 315 as presently construed by the Federal Communications Commission, even an incidental appearance on a news broadcast of a political candidate requires identical coverage for other candidates. Indeed this principle is applicable to news programs in which a candidate—without his knowledge or consent—is shown performing a function entirely unrelated to the campaign itself.

Because of this ruling, broadcasters have an understandable reluctance to permit any candidate to appear on a bona fide news program lest they be subject to numerous demands for time by opposing qualified candidates for the same office. As the Senate Commerce Committee put it:

> The inevitable consequence is that a broadcaster would be reluctant to show one political candidate in any news-type program lest he assume the burden of presenting a parade of aspirants. * * * This would tend to dry up meaningful radio and television coverage of political campaigns.

The overriding consideration in these circumstances is that passage of the pending measure is urgently needed in order to protect the public's right to know.

Considering this matter in greater detail, members of the House will recall that the FCC, in the now celebrated Lar Daly decision, held by a 4–3 vote that under section 315 of the Communications Act, a television station which used a brief film clip of a candidate's activities—which were unrelated to the campaign itself—was required to provide equivalent free time to all opposing candidates to use the station as they see fit. Involved in that case were several newscasts of Richard J. Daley, mayor of Chicago, and a candidate for renomination to that office in the Democratic primary. The first newscast consisted in part of a silent film insert of 1 minute and 5 seconds duration, showing Mayor Daley greeting President Frondizi of Argentina at the Midway Airport in Chicago. The second consisted of a 29-second silent film in respect of an appeal by Mayor Daley for contributions in connection with the March of Dimes campaign. Lar Daly an opposing candidate petitioned for equal time under section 315.

The Commission decided that considering the unconditional language of section 315, its provisions could not be avoided even though it was demonstrated that the appearance of the candidate on the newscast was not initiated or controlled by the candidate. The Commission added:

> We are further of the opinion that when a station uses film clips showing a candidate during the course of a newscast, that appearance of a candidate can reasonably be said to be a use, within the meaning and intent of section 315. In short, the station has permitted a benefit or advantage to accrue to the candidate in the use of its facilities, thus placing itself under the statutory obligation to extend equal opportunities to opposing candidates in the use of its broadcasting station. In our opinion, only through this interpretation of section 315 can Congress' unequivocal mandate that all candidates for the same office shall be treated equally be effectively carried out, taking into account the possible benefits or advantages which accrue in favor of a candidate thus given exposure on television. It may, of course, seem that such a holding is harsh or unduly rigid and that within the area of political broadcasts, it has a tendency to restrict radio and television licensees in their treatment of campaign affairs. If this be so, the short answer is that such a result follows not from any lack of sympathy on our part for the problems faced by licensees in complying with section 315, but from the unconditional nature of the language of section 315, which we are not at liberty to ignore.

I would point out that while I personally disagree with the holding, I have no quarrel with the FCC nor do I think that the widespread ad hominem criticism of the majority is justified. At best the legislative history of section 315 is ambiguous and uncertain. I think it clear that all members of the FCC, in the majority as well as minority, sought to resolve the issues involved in the Lar Daly case in good faith and on the basis of the congressional intent as they saw it.

These considerations apart, I find it difficult to reconcile the Lar Daly decision with the previous ruling by the Commission in the Blondy case which was decided in 1957. In the Blondy case a station used as part of a newscast film clips showing a legally qualified candidate participating as one of a group in an official ceremony; and the newscaster, in commenting on the ceremonies, mentioned the candidate and others by name and described their participation. The Commission held that the equal time requirement did not apply since "the facts clearly showed that the candidate had

in no way directly or indirectly initiated either filming or presentation of the event, and that the broadcast was nothing more than a routine newscast by the station in the exercise of its judgment as to newsworthy events."

In all fairness it must be added that the rationale for the Blondy decision might well have been the principle of de minimis. For, as the Commission stated in the Lar Daly decision:

To have held otherwise (in Blondy) would have required the station to afford an opportunity for appearance by an opponent for a period ranging from a fraction of a second to perhaps a few seconds. If the de minimis principle of law is applicable to matters such as this, it was clearly applicable to the facts of that case.

Whatever the merits or demerits of the Lar Daly decision, it has an unquestionable tendency within the area of political broadcasting to restrict radio and television licenses in their treatment of campaign affairs. For example, let me quote from the testimony of the president of a group of radio and television stations in Hartford, Conn.:

In the last election in 1957, we had 36 candidates running for the city council. The Lar Daly ruling means that we cannot give any exposure in a newscast during the election period to any of the 36 candidates, many of whom are among the leading citizens of our community. If we were to permit a single candidate for the city council to appear in a newscast on our radio, FM, or television stations, the present law would require us to give an equal opportunity to the other 35 candidates to appear. Bearing in mind the overall responsibilities of broadcast stations, this would be an impossible assignment. Thus, the electorate loses its right to see a candidate or hear his voice on newscasts and similar programs during the crucial period of election on matters vital to the community. This result is unjust to the candidates and the citizens and inimicable to the best interests of everyone. This hamstrings two of the most important media of mass communications from performing their proper functions in informing and educating the people on the issues of the day.

Beyond that, the Lar Daly decision has the anomalous effect of severely discriminating against the candidate who appeared in the newscast. The first candidate who appears has no choice in the means and methods whereby the station carries his utterances, whereas his opponents have a complete choice and control over their means and methods of appearance. As the president of the National Association of Broadcasters pointed out:

The first candidate who appeared in a newscast actually had no control over his appearance. This means that he is discriminated against by the operation of section 315. Presumably, he would never have any control over whether or not a station would choose to put him on the air in its normal news coverage. However, should a station, under the Commission's ruling, carry the candidate (and, of course, it is possible that a candidate could do something newsworthy which would not necessarily be flattering), that candidate's opponent would have the right to utilize the station's facilities in any manner he saw fit.

Consequently, equal opportunity is not at all guaranteed by the present Commission interpretation of section 315, because the first candidate who appears has no choice in the means and methods whereby the station carries his utterances, and his opponents have a complete choice and the control over their means and methods of appearance.

Against this background, the bill recommended by the Committee on Interstate and Foreign Commerce restores the status quo before the Lar Daly decision by exempting from section 315 bona fide newscast showings of political candidates thus safeguarding the right of the American citizenry to obtain at firsthand newsworthy events treated in political campaigns. Furthermore, the committee has acted very wisely, I think, in not legislating here in complex detail. Instead there is entrusted to the Federal Communications Commission responsibility for issuing detailed rules and regulations to implement the legislative intent.

Under the bill, in order for a section 315 exemption to apply, the appearance of a candidate in a newscast must not be designed to advance the cause of, or discriminate against, any candidate. More than that, if a broadcast station takes one candidate and makes a news feature out of him, it would be going beyond a bona fide newscast. In brief, the broadcaster would be permitted by the pending legislation to exercise his judgment as to newscasting of candidates so long as he did that in good faith and presented the news objectively and without distortion. Nor would the bill grant a broadcaster a license to convert the station to his own private political use.

I think it well to emphasize also that the bill would in no wise exempt broadcasters from the obligation of fair and balanced presentation of programing where political and other controversial issues are involved. In other words, broadcast licensees would continue to remain subject to their present statutory duty to operate in the public interest. Under this general, overall standard of licensee responsibility, the Commission requires a licensee to be fair in the presentation of opposing views on controversial public issues. This would mean that while the licensee would not have to accord the present equal opportunity called for by section 315, a station still would not be free, under the proposed exemption of news programs, to present news regarding political candidates in a partisan manner. Thus, while a broadcaster would have some discretion to determine which candidates were sufficiently newsworthy to merit coverage, it could not select for dissemination over the airwaves only those political viewpoints which it favored. As one organization pointed out:

The duty to present news fairly and to give the public an opportunity to be fully informed of all viewpoints is one of the most important duties of the broadcasting industry.

On the whole I think the broadcasting industry has tried to honor its responsibility in this respect.

Nevertheless, I would be less than candid if I did not observe that there have been several instances—isolated, it is true—where certain broadcasters have not always complied with their responsibility to operate on a basis of overall fairness by making their facilities available for the expression of the contrasting views of all responsible elements in the community on the issues which arise. Let me refer specifically to a case in point which arose within the past several weeks where the three national television networks, CBS, NBC, and ABC provided time to President Eisenhower to set forth his views concerning the labor bill. Certainly the making available of such time was beneficial in the public interest. However, the networks are subject to condign criticism for denying the request of the Democratic Party, made in the name of our great speaker, for network time to present a divergent point of view. Here the two national networks fell far short of exercising their responsibility to operate on the basis of overall fairness. I am impelled to state that the networks flouted the admonition of the FCC which defined the obligation of a broadcast licensee in these terms:

It is clear that any approximation of fairness in the presentation of any controversy will be difficult if not impossible of achievement unless the licensee plays a conscious and positive role in bringing about balanced presentation of the opposing viewpoints. * * * What is against the public interest is for the licensee "to stack the cards" * * * to favor one viewpoint at the expense of the other. * * * Assurance of fairness must in the final analysis be achieved, not by the exclusion of particular views because of the source of the views, or the forcefulness with which the view is expressed, but by making the microphone available, for the presentation of contrary views without deliberate restrictions designed to impede equally forceful presentation.

The pending bill places much greater responsibility in the hands of the broadcasters to operate on the basis of overall fairness. I speak without rancor when I say that the public interest demands that the greater discretion which the bill would grant to broadcasters is a challenge which cannot and must not be used for partisan purposes.

I am confident that the appropriate committees of the Congress will exercise continuing oversight to insure against misuse of this discretion. For the principle that must constantly be borne in mind is that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Minnesota.

Mr. WIER. What would be the gentleman's interpretation of this bill in the terms of the recent event that we had here where the President took to the air on the labor reform bill espousing the Republican point of view in favor of the bill and denying the Democratic leadership or whoever might be chosen to represent the Democratic point of view?

Mr. CELLER. As I said, the networks deserve condign criticism for their failure to accord to our distinguished Speaker the same facilities they accorded to the President of the United States on that very momentous subject of labor legislation.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. While this has nothing to do with the bill, we know that the press of the country is decidedly unfair to the Democratic Party—slanted news, and about 80 or 90 percent of the press completely unfair. The other day in one paper in one of the States, I am told, in writing about those who voted against the Landrum-Griffin bill the news item stated that they voted for racketeers—a libelous statement.

We all know that many newspapers throughout the country control radio and television stations, and we, being practical men, know what we are up against. It is an unusual situation with such slanting of the news and unfairness to the Democratic Party.

I may say to my friend from New York that while I realize that something has to be done to correct the Chicago situation, I certainly do want to do something where the Democratic Party is going to be penalized. What has the gentleman got to say on that?

Mr. CELLER. I just want to say that the refusal of the networks to allocate to our eminent and distinguished Speaker equal facilities and equal time on the network flouted the basic principles of fairness which are supposed to be applicable to broadcasting stations. As the FCC has stated, and as I have previously pointed out:

> Assurance of fairness must in the final analysis be achieved, not by the exclusion of particular views because of the source of the views, or the forcefulness with which the view is expressed, but by making the microphone available, for the presentation of contrary views without deliberate restrictions designed to impede equally forceful presentation.

If the networks had followed the admonition and the policy prescribed by the FCC, that time would have been accorded our Speaker.

Mr. McCORMACK. Does the gentleman agree with me that an amazing percentage of the press of the country is unfair to the Democratic Party in reporting political news?

Mr. CELLER. I will say that the press in this country, and I can almost agree that the radio and television facilities likewise, are more or less slanted in the Republican direction and not in our direction. That is unfair.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Kansas.

Mr. AVERY. Would not the gentleman agree with me that this is certainly not an appropriate forum to discuss the policy of the press and the networks?

Mr. CELLER. I am sorry but I did not start it.

Mr. AVERY. I recognize the gentleman did not start it.

Mr. McCORMACK. Is it irrelevant to the bill? Because we know that many of the newspapers of the country have stepped in and bought television and radio stations and if they carry that policy in relation to the news and the newspapers, they are going to project it into television and radio. So it is completely relevant in the whole picture. Of course my Republican friends do not like to hear it.

Mr. AVERY. I love to hear it, but I want to get the record straight, that is all.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BOLLING. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. DEROUNIAN. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. DEROUNIAN. I just have one question to propound. The majority leader mentioned the fact he did not want this bill to be unfair to the Democrats.

I want to remind the majority leader, and he knows it, that on our Committee on Interstate and Foreign Commerce, a great committee, there are 21 Democrats and only 12 Republicans, and without the Democrats agreeing to this bill it could not come out. I suggest he talk to the chairman of our committee.

Mr. CELLER. I expect the Republicans on one or two occasions have begun to see the light.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. If this bill becomes law, and it is a step in the right direction, it will be the Republican agencies that will administer it, and it will be Republican newspapers that are going to interpret it.

Mr. CELLER. That is why we want to enact a bill to insure there will be some restraint upon the networks and the broadcast stations to operate on the basis of fairness in presenting opposing points of view. I hope that the Committee on Interstate and Foreign Commerce will go a step further and examine into any slanting of news over radio and television. I may say to the gentleman from Massachusetts that I hope that that committee will endeavor to plumb the depths of the subject. The gentleman referred to it. It is an intricate problem and I hope they will come up with some solution that will crack the knuckles of the networks if they do not recognize their responsibility. For it must be realized that the networks do not own the spectrum. The spectrum belongs to the people of this country. Broadcasters are licensed to use the spectrum. They have a public interest responsibility to the Nation, to you and me, and to the public generally.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7985) to amend the Communications Act of 1934 with respect to facilities for candidates for public office.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7985, with Mr. TRIMBLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the Committee on Interstate and Foreign Commerce brings to the House for your consideration H.R. 7985, the purpose of which, as is well known to most Members, is to exempt from the equal-time provision, section 315 of the Communications Act of 1934, any appearance by a legally qualified candidate on any bona fide newscast—including news interviews—or on any on-the-spot coverage of news events—including, but not limited to, political conventions and activities incidental thereto.

Now, it is my hope, Mr. Chairman, that we can give our attention to the purposes of this bill and to what is involved. I hope that we will not get too far afield into some of the things that can easily arise in the consideration of a sensitive problem like this. This may happen easily considering that all 436 Members of this House are in the business of politics. I think it is very important that we try to make a clear record here, which becomes the legislative history of this amendment to section 315 which is designed to clarify the unfortunate situation in which we find ourselves today.

May I say that the equal-time provision was included in the Radio Act of 1927. Now, it was not such a serious problem, important as it was, during the early radio days. However, it did become such a problem with the advent of television.

In 1934, when the Communications Act was passed by this Congress, section 315 was again included in that act substantially as it was under the Radio Act of 1927.

We have had this provision in the law during all this time. It has worked, generally speaking, fairly well throughout the years, and only in recent times has there been a real effort by some to bring about its repeal.

Now, the committee has considered several proposals that were offered by various colleagues in the Congress. The reason why I think it is important that we pay very close attention to the legislative history of this amendment, is that we intend for the broadcasting industry and the Communications Commission to be guided by this history in the observance and administration of this legislation.

I might say that over the past several years there has seemed to be some question in the minds of some members of the Communications Commission and certain members of the broadcasting industry as to what actually was the intent of the Congress. We want to make it very clear, therefore, here today, as to what the intent of the Congress is. So, first, I call your attention to the language of the bill that was reported by the committee itself.

Secondly, I call your attention to the report—Report No. 802—which will become I hope—and certainly that is my intention and the intention of the committee—a part of the legislative history of this amendment. This report contains the explanation of what is intended here, to guide the industry and the Commission. And then there will be the debate in which we shall take part in today, to explain further this particular problem. Because of the importance of the legislation and with the indulgence of the members of this committee I want to read a statement which has been very carefully worked out, so there will be no mistakes so far as the record and the legislative history are concerned in connection with this problem.

I believe most of the Members are generally familiar, with this background of this legislation. On June 15, 1959, the Federal Communications Commission adopted an "interpretive opinion" in the so-called Lar Daly case—which involved a Chicago incident—to the effect that the appearance by a legally qualified candidate in the course of a newscast must be considered use of a broadcasting station within the meaning of section 315 entitling other legally qualified candidates for the same office to equal time.

Two commissioners of the seven dissented from that opinion; one commissioner dissented in part.

You may recall, Mr. Chairman, that the situation with which the Commission dealt involved the perennial candidate for a variety of offices, including the office of the mayor of the city of Chicago and the Office of President of the United States, Lar Daly. Incidentally, Mr. Daly announced his candidacy for the Presidency in 1960, when he was testifying before our committee.

Lar Daly requested equal time because in the course of a newscast the mayor of the city of Chicago, who at the time was a candidate for reelection, was shown as welcoming President Frondizi of Argentina upon his arrival at the airport. The Commission held that this appearance was use of a station and entitled Mr. Lar Daly to equal time.

There were six other situations of this nature, all of which involved appearances of candidates in the course of newscasts. It seems to the committee that the decision of the Commission in the Lar Daly case is inconsistent with an earlier decision of the Commission in which the Commission held unanimously that the equal-time requirement did not apply to newscasts. That was in the case known as the Blondy case handed down in 1957. As I recall, that was a case in which a broadcaster used a film-clip in connection with a news broadcast in which a candidate was shown participating in an official ceremony. The Commission held—and that has been the traditional policy—that other candidates for the same office were not entitled to equal time.

The Blondy decision confirmed the traditional concept held by broadcasters throughout the country and candidates alike of considering the equal-time requirement inapplicable to appearances of candidates on newscasts. The Lar Daly decision abandoned this traditional concept and it is the primary purpose—listen to me—it is the primary purpose of this legislation to write back into section 315 this traditional exemption from the equal-time requirement and to deal with other things that always have been thought to be exempted from the equal-time requirement.

This is the background of the legislation as far as the public record of the Commission's decisions is concerned. However, there may be something more in the background of this legislation which is not quite so apparent. It is mystifying why the Commission found it necessary to break away from a long-established tradition, but the thought has occurred that at this juncture the Commission preferred shifting a difficult burden to the Congress to do by legislation what the Commission ordinarily would have accomplished by continued commonsense interpretation of present law.

On the other hand, certain segments of the broadcasting industry for a long time sought to bring about the complete repeal of section 315, and the Lar Daly decision seems to offer a fine opportunity to accomplish this objective.

Now, Mr. Chairman, I think it should be stated with complete candor that legislating in this very sensitive area is most difficult. Our committee went into this question in 1956 before the Lar Daly decision, and already then efforts were made to get section 315 repealed outright. Then and at this time, our committee carefully considered the question of outright repeal and determined that this would not be in the public interest. Broadcasting facilities, and particularly television broadcasting facilities, are limited in number throughout the country and subject to Government licensing, and the limited facilities available play a vitally important role in our political life. For this reason, this has to be considered most carefully. Access of political candidates to these limited facilities should be governed by the rule of substantial equality of opportunity—and I repeat—should be governed by the rule of substantial equality of opportunity which is embodied in section 315.

I emphasize this because I have somehow come to feel that some broadcasters—some, you understand, and not by any means all—appear to be inclined to challenge the principle of section 315, and they appear to be using difficult cases arising under section 315 to accomplish their real objective; namely, the complete repeal of section 315.

Mr. Chairman, in bringing this legislation to the floor of the House, I would like it clearly understood that the committee was almost unanimous in rejecting proposals to repeal section 315 outright. The legislation reported by our committee and the action of the other body on substantially similar legislation amount to a reaffirmation of the principle of equal time; and it is my sincere hope that broadcasters as well as the Commission will make diligent efforts to observe this provision of law the way Congress intends it to be observed.

After this general discussion of the background of the legislation, let me turn to the specific provisions of the bill as introduced and the provisions of the committee amendment.

The bill, as introduced, is substantially identical with a bill which I introduced during the 84th Congress and on which our committee held extensive hearings. That bill, I believe, was H.R. 6810, 84th Congress.

The bill, as introduced, would have exempted from the equal-time requirement appearances of political candidates on any "news, news interview, news documentary, on-the-spot coverage of newsworthy events, panel discussion, or similar type program where the format and production of the program and the participants therein are determined by the broadcasting station, or by the network in the case of a network program." That was the language of the bill as introduced.

We held extensive hearings on this bill this year and other bills dealing with the same subject. Some of the bills would have provided for the exemption of appearances of major party candidates for the office of President and Vice President, thus denying equal time to minor party candidates. The committee did not go into that. We did not feel that that was a subject that we could work out at this time.

The Subcommittee on Communications and Power discussed the various bills at considerable length in executive session, and reported to the full committee H.R. 7985, but limited the exemption to newscasts (including news interviews) and on-the-spot coverage of newsworthy events.

In other words, Mr. Chairman, the subcommittee and the full committee decided to eliminate as separate categories news documentaries, panel discussions, and similar type programs as such. The committee felt—with which I agreed—that these categories are simply too vague and cannot be defined with sufficient definiteness.

On the other hand, and I want you to get this, on the other hand, the elimination of these categories by the committee was not intended to exclude any of these programs if they can be properly considered to be newscasts or on-the-spot coverage of news events.

The full committee discussed the legislation in two lengthy executive sessions and finally reported the bill in its amended form. That is the legislation you now have before you. The full committee concurred with the subcommittee in the omission of the categories which had been eliminated by the subcommittee. Then the full committee included

some additional language which I consider interpretive language designed to clarify the meaning of the provisions recommended by the subcommittee. Thus, the amendment states that a newscast must be a bona fide newscast. The amendment states further that on-the-spot coverage of news events specifically includes political conventions and activities related thereto. Carrying to a logical conclusion the decision of the commission in the Lar Daly case, there would probably be no televising of the Democratic and Republican conventions in 1960. That is just how ridiculous the situation is.

But the exemption is not limited to the coverage of political conventions. The exemption covers the on-the-spot coverage of news events, including but not limited to political conventions.

Finally, the amendment as the committee worked it out states that the appearance of the candidate on such newscast, interview, or in connection with such coverage must be, and I quote, "incidental to the presentation of the news."

As I said before, to my way of thinking, all this additional language is merely interpretive and could have been omitted from the legislation and included in the report and serve the same purpose; nevertheless, the committee took the action of including this language in the amendment in an effort to be perfectly clear on it. Some members of the full committee felt that it would be preferable to include the language in the amendment.

The question very likely will be asked how the committee amendment differs from the bill passed by the other body, S. 2424. In the first place S. 2424 exempts "news documentaries" in addition to newscasts, news interviews, and on-the-spot coverage of news events. Whether or not that difference is significant I cannot say because the bill S. 2424 does not define what a news documentary is.

Then the Senate bill declares the intention of the Congress to watch during the next 3 years, whether the amendment has proved effective and practical, and the Federal Communications Commission is directed to file annual reports on its determination under the new amendment and to make recommendations to protect the public interest. Finally, the bill S. 2424 provides that while making these exemptions from section 315, Congress still insists that all sides of public controversies be given as fair an opportunity to be heard as is practically possible.

The net effect, then, so far as I can see, is that the difference between the Senate bill and the committee amendment is not of major proportions. I recognize, however, that this is quite a sensitive area in which we are trying to legislate, and other Members may feel quite strongly that one word or another word in the amendment makes all the difference in the world, and that is the reason why I emphasize the importance of the legislative history that we are making now.

As I see it, both proposals exempt appearances of candidates on newscasts (including news interviews) and on-the-spot coverage of news events. That is the crucial thing in this legislation—to overrule the Lar Daly decision and to make it clear that important news events involving the appearance of a candidate may be covered on-the-spot without giving the right of equal time to other candidates.

Mr. Chairman, I could go on discussing point by point the contents of the committee report. I would like to point out to the Members this report is an important part of the legislation. It is not a document written by some staff member on the basis of his judgment of what the chairman of the committee or other members of the committee might care to say or not care to say about the legislation. The report represents the composite judgment of the committee. All members had an opportunity to participate, as many did, in the actual writing of the report. We adopted the unusual procedure of having the report drafted and circulated among all members and substantially all of the changes recommended by the members of the committee are a part of this report.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HARRIS. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, thus the report represents the consensus of opinion of members of the committee and it is entitled to great weight in interpreting the meaning of the committee amendment.

I felt it was important to have the history made on this as clear and complete as possible. That is the reason why I have used as much time as I have.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. On page 18, in the supplemental views of the committee report, there is a statement which would indicate that the FCC has abandoned a position which it adopted in 1928, indicating that the decision in the Lar Daly case was contrary to previous decisions regarding such matters.

Would the gentleman care to comment whether or not the statement on page 18 that the Commission has abandoned its original position is a correct one?

Mr. HARRIS. That was the general feeling of the committee, and that is the reason for this legislation.

Mr. PUCINSKI. Has the committee made any effort to find out why the FCC abandoned the position taken in 1956 in the Lar Daly case?

Mr. HARRIS. Yes, the committee has inquired into that. The Commission's reasons are included in the opinion which the Commission handed down in the Lar Daly case to which I referred briefly. Two members of the Commission dissented from the opinion and one dissented in part.

Mr. PUCINSKI. Is it not correct to say that the radio networks are now appealing to the courts the Commission's decision in that case?

Mr. HARRIS. Yes, and that was thoroughly discussed. There are those who feel that on appeal the Lar Daly decision might very well be reversed, but everyone knows it is going to take a long time for the courts finally to pass on it. It is the feeling of the committee that it is important to legislate on this problem in order to remove promptly the adverse effect of the Lar Daly decision.

Mr. PUCINSKI. There is no question in my mind but what the decision of the FCC in the Lar Daly case was a capricious one that reversed its former holding. The thing I am wondering about is whether or not we in this Congress want to now go ahead and proceed with the rewriting of rule 315 when the case is pending. I know that nothing moves more slowly than a democracy such as ours, but in the final analysis justice prevails. Are we going to lose more rights than the rights we might gain under the expediency of that decision?

Mr. HARRIS. I may say to the gentleman he has an entirely erroneous conception of this legislation if he contends he is losing any rights at all. That is not the purpose of this legislation.

Mr. IKARD. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Texas.

Mr. IKARD. I would like to inquire of the distinguished chairman of the committee. I am sure he is well aquainted with two outstanding presentations on television today, "Meet the Press" and "Face the Nation." Is it the intention that these programs be exempt from the equal time requirements of section 315, and would the bill that is now under consideration accomplish it?

Mr. HARRIS. The committee felt that if panel discussions, documentaries and such, were to be exempted, the terms are so vague that they might very well include almost all kinds of programs not intended to be covered. But, with the amendment which the committee adopted, if a news documentary or panel discussion is part of a regular bona fide newscast, or news interview or on-the-spot coverage of a news event, where that program is designed by the broadcaster in charge of it, then the documentary or panel discussion would be exempt. If they went to, say, the gentleman's district or mine, and got together a panel, to put me before them, which is not a regular bona fide newscast, or any part of a news program or news interview, then that would not be exempt.

Mr. IKARD. I take it then that as to a program such as "Meet the Press" or "Face the Nation" the chairman's answer is that they would be exempt.

Mr. HARRIS. As long as they continue to be regular, bona fide news programs or on-the-spot coverage of news events.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Pursuing questions along the same line about Meet the Press or similar programs of that type, would there not be this difference,

that if that program appeared as a public service of the station and the station had the opportunity to present only the candidates that might reflect their particular views, that it might be a different thing than if it was appearing as a sponsored paid program where, perhaps, the sponsor might have something to say who he would like to have appear on the program. Would there be any difference?

Mr. HARRIS. The newscast or on-the-spot coverage must be controlled by a licensee or a network.

Mr. JONES of Missouri. Now, what do you do in this bill, if anything, that would affect the so-called—and I am using that advisedly—radio commentator who gets up there and gives his opinion as an editorial writer does in some of our papers, or our columnists? Do we do anything that would correct that situation, that when these people make statements which are contrary to the views of many of us, to give an opportunity to correct those statements? Do you do anything to try to correct that?

Mr. HARRIS. The Communications Act places the responsibility for fairness upon the broadcaster. He has got to come back for his license every 3 years, and then he has to give an accounting as to whether or not he has operated that station in the public interest. If he has not done so and has been unfair, that could very well be held against him in connection with the renewal of his license.

Mr. JONES of Missouri. But, appearing on a network program he would have to apply in each instance to the members of the network in that connection; is that not correct?

Mr. HARRIS. Well, each broadcasting station is in charge and control of its programs, and it is up to a broadcasting station whether it wants to carry a particular network program or not.

Mr. JONES of Missouri. In other words, the network is irresponsible to the extent that it could be estopped by the Commission.

Mr. HARRIS. Well, the network is responsible, because it is a licensee of the stations owned by the network. The responsibility is on the broadcaster—the licensee.

Mr. JONES of Missouri. On the individual members of that particular network.

Mr. HARRIS. Yes. Well, the affiliates, you mean?

Mr. JONES of Missouri. That is right.

Mr. HARRIS. Yes.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Ohio.

Mr. VANIK. I appreciate the time the distinguished chairman of the committee has taken in explaining this legislation. It has been very helpful to all of us. I do not know whether this situation prevailed in other areas, but recently, for the first time, a broadcaster in my area took it upon himself to endorse candidates for public office, a political endorsement, on radio and television. Now, I have a question in the nature of a legislative inquiry. Under the provisions of this bill would a broadcaster be authorized to permit the appearance of a candidate, the display of the candidate's picture, the reproduction of his voice if, in the substance of a newscast, was the announcement that the broadcasting station had studied the qualifications of several candidates for office and had determined that the candidate in question was either recommended and endorsed or not recommended, and to be opposed or defeated?

Mr. HARRIS. As I understand the gentleman's inquiry, what the station did here would have been for the benefit of the candidate. The committee amendment does not exempt any program which is primarily for the benefit of a candidate. The appearance of a candidate must be incidental to the presentation of news. It must not be for the purpose of aiding the candidate.

Mr. VANIK. A further question, if the gentleman will yield, would this section have any effect at all upon the action of such broadcasters in making endorsements during the course of a political campaign?

Mr. HARRIS. Well, insofar as equal time is concerned, section 315 would be applicable only where appearance of a candidate is involved. I think if there was such endorsement, without the appearance of the candidate, who received the endorsement, operation in the public interest would require that the opposing candidate be given as fair an opportunity as possible to be heard.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. HARRIS] has again expired.

Mr. BENNETT of Michigan. Mr. Chairman, I yield the gentleman 5 minutes.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I would like to take this opportunity to commend the chairman for his discussion of this bill, because I know it is of vital importance to all of the Members of the House. This is the question I would like to pose.

Is the appearance of a congressional candidate in a public service program exempt from the equal-time provision under this section? The public service program that I would like to give as an example is that in practically every community represented by Members of Congress each year in the fall, the Community Chest makes a drive and in an effort to get across to the public in every community various persons are asked to appear in public forum panels to discuss the merits of the Community Chest. If a candidate for Congress appeared on such a public service feature would his opponent be entitled to equal time?

Mr. HARRIS. It would depend, No. 1, on whether or not that particular public service program could be considered part of a newscast or a news interview. No. 2, it would depend on whether or not it would be considered and interpreted as on-the-spot coverage of a news event. If it is a program in which the broadcaster is covering the event referred to and the appearance of the candidate is incidental to the coverage of the event, then it would be exempt. If the appearance of the candidate was for the purpose of promoting the candidacy of the candidate, then it would not be exempt.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman predicated his question upon a public service broadcast. Could a public service broadcast be a news broadcast?

Mr. HARRIS. A public service broadcast could consist of an on-the-spot coverage of a news event. If the gentleman is talking about a public-service program, for instance, which involves a weekly news report by a Member of Congress, where I send down—I do not do it any more—a weekly news report to be sent over my radio or television station, as so many Members do, that would not be exempt.

Nor would the following situation be exempt: One of our colleagues who had a lot to do with obtaining citizenship for a little girl, the daughter of an American citizen who was serving overseas, appeared on one of the national guessing contest programs—I suppose it could be called that—and he was on that program. The total time he was on during that half-hour program was 72 seconds. That was in 1956, and he was a candidate. Because he appeared on that particular program, which is a regularly scheduled program, but which is not part of a newscast or news interview, his opponent got 72 seconds. The committee amendment would not reach a situation like that and his opponent could still demand equal time.

Mr. GROSS. Will the gentleman yield further for an observation?

Mr. HARRIS. I yield.

Mr. GROSS. Having spent nearly 15 years in this business of news broadcasting, I would just make this comment. This bill may work out all right, I do not know; I doubt it very much.

Mr. HARRIS. There will be problems.

Mr. GROSS. I think you can legislate from now until kingdom come and you will not solve this problem, as you may think you have solved it.

Mr. HARRIS. But I think we can give guidance to the Commission which seems to have had so much trouble during the last few years.

Mr. GROSS. I think you can. but it would depend in the end upon the fairness of the radio station owner or the person to whom he entrusts the operation of his station.

Mr. HARRIS. And then how the Commission acts in the case of abuses.

Mr. GROSS. That is right.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Florida.

Mr. CRAMER. Let us assume under the proposed bill you have a newscast and assume that that newscast covers the activities of a candidate relating specifically and solely to his campaign such as, for instance, if he should have a trailer tour or do something that was

newsworthy, solely relating to his campaign. That was covered on the newscaster's part. The opposition was doing other things, and consistently throughout the campaign the station refused to cover those things being done by that opponent, which also were newsworthy. Is it not true that under this bill the discretion as to what is to be covered is left entirely with the station?

Mr. HARRIS. Yes, that is true, as long as the appearance of a candidate is incidental to the presentation of a news event. If the station goes beyond the coverage of news and seeks to aid a candidate, then the matter may be appealed to the Federal Communications Commission.

Mr. CRAMER. What relief has a candidate in that instance?

Mr. HARRIS. He may appeal to the Federal Communications Commission and the Commission may determine that the opposing candidate is entitled to equal time; and furthermore the station, at renewal time, may jeopardize its license.

Mr. CRAMER. I thank the gentleman.

Mr. MACK of Washington. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. MACK of Washington. A U.S. Senator or Representative returns home in July. He has already filed as a candidate in the primary election. He is invited to a radio station and certain questions are asked of him, let us say, concerning the enactment of a highway bill. He takes 5 minutes of that time. Does that entitle, under the rule of the Federal Communications Commission, every other candidate in the primary, to equal time?

Mr. HARRIS. It would, unless it was a part of a bona fide newscast or news interview program.

Mr. MACK of Washington. This would be a bona fide news program.

Mr. HARRIS. Then it would be exempted if the appearance was incidental to the presentation of a news event, and then it would not entitle everybody else to equal time.

Mr. MACK of Washington. Would it be exempted under this bill or is it exempted now?

Mr. HARRIS. I doubt very seriously if it is exempted now if the Lar Daly decision is carried through to its logical conclusion.

Mr. MACK of Washington. Of course, it would be a ridiculous situation where five or six people could ask for equal time.

Mr. HARRIS. We think that is true.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 10 minutes to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Chairman, first of all, I would like to compliment the distinguished chairman of this committee and the members of the committee as well for certainly doing a wonderful job in presenting this legislation to the House and, particularly, the chairman for his very fine explanations. This is a field in which I have been interested in and I want to say I want to know a great deal more about it since the last half hour.

Mr. Chairman, my interest in supporting H.R. 7985 stems from my 15 years of association with the fields of news and public information in the broadcasting industry. In other words, I grew up with radio and television, which long ago came of age as media for dissemination of news. Through these media of mass communication, the American public can be and is made aware of the great and small issues of our time, and the same public is exposed—and rightly so—not only to the sight and sound of these issues, but to the living presence and personality of those who make the news which shapes our very lives and the future of our world.

Today, radio and television have been blacked out, for all practical purposes, from the most important news story in our national life. For even now, the 1960 presidential campaigns are getting into gear. And already, television coverage of the political candidates is being hampered by a brief, three paragraph section of the Communications Act. This is section 315, which basically provides that, if a station permits one candidate to use its facilities, it must give all other candidates for the same office an equal chance to use those facilities. The purpose of section 315 is obvious: To safeguard the democratic process by insuring that no candidate will be able to monopolize the air—or broadcast time, since this is the commodity by which radio and television is measured.

Although radio and television have been hamstrung by section 315 for many years, it was less than 6 months ago that an event occurred which brought about the situation which the President of the United States termed "ridiculous." This is the recent interpretation of section 315 by the Federal Communications Commission which dealt with a Chicago candidate named Lar Daly.

Because the mayor of Chicago and his unsuccessful Republican opponent appeared on some legitimate local newsfilm footage, "America First" Daly asked for equal time—and got it, by the FCC's strict letter-of-the-law interpretation of section 315. The Chicago stations had—in their newscasts—shown a flash shot of the mayor filing his nomination papers, a 22-second glimpse of him greeting President Frondizi of Argentina at the airport, and a 1-minute shot of him opening the March of Dimes campaign. These were not pictures of the mayor making a political speech. The mayor did not ask for the time, it was not given him, he did not buy it. It was part of a general news program. The mayor got in the show only because he was part of the news. Not because he was a candidate. But Daly, who is known as a perennial candidate for whatever is going, demanded equal time, and the FCC, by a 4 to 3 vote said he was entitled to it. This is the same Daly who once announced he was a candidate for President, then sued the TV networks for equal time with President Eisenhower. A judge threw out the case.

The FCC frivolity in the Daly case goes way beyond that—it tampers with the news. In practical effect, it means that the networks and most stations individually will be restrained from any news report reference to candidates for any major office. The restraint will apply not only to news about the campaigns but to any event concerning a candidate which ordinarily might be news. Dr. Frank Stanton, president of the Columbia Broadcasting System, put it this way:

> Such major news events as an assassination attempt on a candidate for public office could not be shown on a television newscast—unless the attempt succeeded and the victim was therefore no longer a candidate.

If this decision stands, henceforth, political news on radio and television during any election campaign period will come to the American public filtered through the censorship rules of the FCC. This in itself is serious enough. But, even more serious is what it foreshadows for newspapers and other means of keeping the public informed. In a number of significant decisions the courts have held—and rightly so—that freedom of the press is not limited to newspapers. The marked trend of the courts is to hold that freedom of the press embraces all general means of gathering news or ideas and relaying them, whether in language or pictorial form, to the public. Radio and television are included.

It boils down to this: If radio and television news can be put through government censorship today, all other news ultimately can and will be put through the same filter. As one editorial writer recently said: "Then, friends, we will have had it." Our freedom, and by that I mean the freedom of the American citizen—is being openly threatened.

Little wonder the President called the ruling "ridiculous." This is the same as telling a newspaper that it must print a news story about every candidate just because it carried a news story about one of them. As a matter of fact, during the recent congressional hearings on section 315, a minor-league officeseeker suggested just that: In his testimony, he advocated that newspapers should be forced by law to give equal space to all candidates.

The fact that the FCC ruled the way it did in the Lar Daly case does not mean that the FCC wholly approves of section 315. In the congressional hearings brought about by the Lar Daly case, Commissioner Frederick Ford, speaking for the majority of the Commission, agreed that the law should be changed to exempt newscasts and special political events from the equal time requirements. Going even further than that, FCC Chairman John C. Doerfer said that in his opinion section 315 should be repealed.

Broadcast industry leaders have also strongly urged liberalization of section 315. So has nearly every daily newspaper in the United States.

The Senate-approved bill to eliminate some of the ridiculous features of the so-called equal-time provision of the Federal broadcasting law is a big step in the right direction. Exempt from the equal-time provision would be newscasts,

news interviews, on-the-spot broadcasts of political news events.

But, for some inexplicable reason, the Senate refused to include panel shows in the exemption, although such shows, when conducted by bona fide newsmen, would certainly qualify in the category of news. I feel the House, while reiterating the same standards of fairness demonstrated in the Senate, should also exempt panel discussions which afford much insight into the character and ability of candidates. The amendment ought to be viewed, not as merely an accommodation to broadcasters, but rather as a means of gratifying the public demand for closer acquaintance with the men and women who will be in competition for votes.

It speaks well for the institutions and people of America that an overwhelming protest has arisen across the country to correct this law. Enactment of the legislation before us today is a minimum essential of the freedom of television to help the public to know the candidates and issues in the critical election campaigns of 1960 and the years beyond.

As Dr. Stanton, president of CBS, stated in an editorial last July 26:

> All we ask for is the right to distinguish, as any sensible citizen would do, between the major parties and the splinter parties, between the significant candidates and the fringe or obscure candidates. We do not ask for the right to discriminate—only to distinguish.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Chairman, after the very profound and learned discussion of this bill by our chairman, there is little left to be said, I think, in the way of explaining the bill. There are several facets or ramifications, however, that the chairman did not mention that I would like to bring up in my discussion this afternoon.

No. 1 is that the Interstate and Foreign Commerce Committee did not go nearly as far in bringing this bill to the floor as had been suggested by various Members of the House who had introduced bills on this subject of amending section 315. As a result of the Lar Daly case, this matter has been called to the attention of many Members of the House and a number have introduced legislation. I think the first Member to introduce a bill on this subject in the 86th Congress was the gentleman from Nebraska [Mr. CUNNINGHAM]. Bills of the same general provision were also introduced by the gentleman from Florida [Mr. ROGERS], the gentleman from California, [Mr. YOUNGER], the gentleman from Colorado [Mr. ASPINALL], and some other Members.

I will say to the members of the committee this afternoon that there were several other bills introduced to approach this problem, one by the distinguished gentleman from Colorado [Mr. CHENOWETH], and the gentleman from Indiana [Mr. BARR], and possibly others. They propose to amend section 315–A exempting news broadcasts from equal time requirements, but also suggesting that we might go one step further by defining what is meant by a substantial presidential candidate thereby exempting major or principal candidates from the equal time requirement as applied to minor or fringe candidates. I will concede that it is extremely difficult to write into legislation definitions of the qualifications of a "substantial presidential candidate" in dealing with the equal time requirement.

I hope that our committee will give this proposition further study possibly in the second session of this 86th Congress.

I would like to say to the Committee, too, this afternoon that although the Federal Communications Commission was agreed that certainly some legislative remedy was in order after the Lar Daly decision, they are not agreed as to how the situation should be legislatively cured. In fact, the Chairman of the Federal Communications Commission—and I think you will find this interesting if you have not read the committee report—the Chairman, Mr. Doerfer, recommended that section 315 be repealed outright. I think he took the most extreme position of any member of the Commission. It was Mr. Doerfer's philosophy that rather than to try to define what should be exempt from the equal time requirement the whole section should be repealed outright and it become the responsibility of the licensee to operate his broadcasting facilities under the public responsibility requirement that is written throughout the Federal Communications Act of 1934. Although equal time for political candidates is only touched in section 315, in various other sections of the Communications Act it is repeatedly stated that the licensee shall operate the broadcasting facilities in what is determined to be the public interest and to live up to his public responsibility in that particular.

Mr. Doerfer felt that under this responsibility the licensee certainly would not jeopardize renewal of his license, which occurs every 3 years, in attempting to discriminate unreasonably between any two or more candidates for public office. Mr. Doerfer stated he felt this renewal of the license every 3 years would preclude discrimination on the part of the broadcaster, and in order to meet the requirements of the other sections of the act the licensee must operate his facility in the public interest.

I think this will further interest the Committee, if you have not examined the committee report. I have recited for you a number of Members who have introduced legislation to bring about needed amendments to section 315, resulting from the Lar Daly decision. Not only did most of the Members appear in support of the legislation pending here this afternoon, but several licensees appeared, the networks were represented, and the National Association of Broadcasters. The Association of Broadcasters also supported the position of Chairman Doerfer that the whole section 315 should be repealed.

You might be more interested in knowing who opposed the legislation. If there is any question in your mind in what position you would like to find yourself regarding the adoption of this bill today, I would like to read for you several witnesses who appeared opposing the legislation. We had Lar Daly, of course, who at great sacrifice to himself, I am sure, came down from Chicago to testify at length before the committee, expressing not only his opposition to the bill, but he included seven reasons why the bill should not be passed. In his rather lengthy testimony, and as our Chairman pointed out to you a few minutes ago, he officially announced his candidacy for President during the hearing before the committee for 1960.

In addition to Mr. Daly opposing this bill was a Mr. Orange, representing Arnold Petersen, national secretary of the Socialist Labor Party of America. Further in opposition to this bill was a Mr. Joseph Schafer of Philadelphia, and a William Price, executive secretary, United Independent Socialist Committee.

As near as I can recall, we had only those three witnesses opposing the legislation. There were several others who expressed some apprehension as to how well or how carefully we had drafted the legislation, but recognized the need for a bill.

I would like to say to you that the committee certainly was not unanimous in its selection of language in the bill we bring before you this afternoon. Our chairman had introduced a bill similar to the one he introduced in the 85th Congress and, very frankly, I thought it had considerable merit, desirable provisions and language. Another member of the committee felt a certain amount of reservation about the language submitted by the gentleman from Arkansas [Mr. HARRIS], and submitted alternate language. For reason of a compromise in order to bring a bill before you this afternoon the committee accepted the substitute language in the form of an amendment. However, I certainly want the RECORD to show that although I went along with the substitute language, I felt the original language set out in the bill introduced by our chairman was probably preferable or more understandable, and certainly would meet the need more directly than the substitute provisions in the bill we bring before you this afternoon.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 137]

Alford	Cannon	Hall
Andrews	Celler	Halleck
Arends	Collier	Hays
Auchincloss	Davis, Ga.	Hoffman, Ill.
Barden	Davis, Tenn.	Hoffman, Mich.
Boland	Dawson	Holifield
Bolling	Dooley	Horan
Bolton	Durham	Jackson
Bow	Elliott	Jensen
Boykin	Farbstein	Johnson, Colo.
Buckley	Frelinghuysen	Kee
Canfield	Griffin	Kilburn

Kilday	O'Neill	Taber
Kirwan	Osmers	Taylor
Kluczynski	Passman	Teague, Tex.
McDowell	Patman	Teller
McMillan	Pilcher	Thomas
McSween	Powell	Thompson, La.
Macdonald	Riley	Udall
Marshall	Rodino	Van Pelt
Martin	Shelley	Wainwright
Mason	Sheppard	Westland
May	Sikes	Wharton
Miller, N.Y.	Simpson, Pa.	Williams
Minshall	Smith, Calif.	Winstead
Mitchell	Smith, Miss.	Withrow
Morrison	Spence	Zelenko
Moulder	Steed	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. TRIMBLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7985, and finding itself without a quorum, he had directed the roll to be called when 350 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Kansas [Mr. AVERY] is recognized.

Mr. AVERY. Mr. Chairman, I would only rise to conclude my statement by saying that there are 4,583 licensed television and radio stations throughout the land. All of those stations broadcast the news to some degree or other. Some of them devote a considerable portion of their time to news, others to a lesser degree. It is impossible to write legislation that will explicitly cover every station, but I do believe, Mr. Chairman, the Committee on Interstate and Foreign Commerce has brought to the Committee of the Whole this afternoon certain basic guidelines that should direct the rulemaking of the Federal Communications Commission to the end that is sought and was accepted in the industry before the Lar Daly decision.

I urge adoption of the bill.

Mr. HARRIS. Mr. Chairman, I might say for the information of the Members, it is contemplated we will utilize some 20 or 25 minutes today, and I hope we can conclude consideration of the bill this afternoon.

Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. ROGERS].

Mr. ROGERS of Texas. Mr. Chairman, the legislation before us is of great importance to the American political scene. It is our duty to act promptly before further confusion results. However, in so acting let us make clear to the FCC, to individual broadcasters, and to the networks that we are by this legislation setting down a minimum course of conduct in the field of broadcasting of controversial issues. It should be clear that we expect them to exert every effort to present all legitimate sides of controversial issues and all legitimate candidates for office in their coverage of news, special events, and other types of programs which this law will not exempt from the equal time provisions.

Many of us in recent years have been increasingly troubled by the apparent decline in program quality and variety on television. This, of course, includes the field of public affairs. I suspect that too many network executives do not fully realize that the medium which they are using is public property—a natural resource which must be used in the public interest if it is to be used at all by private parties for private profit. I have no quarrel with the frequencies being used for private profit so long as the public benefits from receiving balanced programing—fine entertainment, as well as mediocre; variety as well as cowboys; news shows as well as quiz shows; topflight public affairs as well as soap operas; stimulating educational features as well as adventures. If the medium is used in this manner, we can have no quarrel with the networks. However, I feel that too many network executives regard TV as an advertising medium first, and an entertainment-educational medium second. There are indications that the networks have abdicated their public responsibility for balanced programing to the advertisers who with the herd instinct—playing to the lowest common denominator—assail us with look-alike and sound-alike programs. I do not object to good westerns, good quiz shows, good adventure shows; I like them.

It has been suggested by some that the reason the network programs have declined in quality is the emergence of a third network during the last 4 years, that the added competition from this source has forced all networks to trim rates and to kowtow to soap salesmen in order to compete with one another. I cannot accept this as a legitimate argument, for to accept it is to admit that free competition results in an inferior product. I prefer to think that real competition results in a better product. It is fairly well known in the industry that the new network has had to cut rates in order to compete with the other two, because of a lack of TV stations in a number of cities such as Birmingham, Louisville, Rochester, Syracuse, Providence, and other markets. It is claimed that this is the reason why the third network does not have more news and public-affairs shows than it now has. Perhaps if competition were more equal it would tend to be based more on the quality of programs; perhaps then control of programs would be returned to the networks from the hands of the salesmen.

TV channels are public property. They should be opened and used for the public good wherever they are available. The FCC is the custodian of this public property. They should guard the use of the channels but should not hoard them. Natural resources are little good if not used. The public deserves to be served. The Government can realize no tax gains from unused channels. The FCC should do its part just as the networks should. They should immediately allocate channels in as many markets as possible. Once commercial channels are allocated to those areas where they are needed, they should be put on the air—as quickly as possible. Hearings designed to protect the applicants' rights should be expedited as much as possible. It would avoid the waste of an unused TV channel wherein the public has fewer programs, there is less competition, and the Government receives no tax moneys from the use of the channel. This would give the networks an opportunity to prove what they can do in truly competitive circumstances to more efficiently serve the public interest with varied programing, fine drama, music, variety, news, and public affairs.

Certainly the networks should be given every opportunity to improve their use of the medium. They have already been given the free use of the frequencies and their owned stations.

This bill is one more piece of legislation for the interest of both the networks and the public. Let us see what they do with it. Let us promise now to take another look in 1961.

Let us look to the future to see what further must be done to make this most important of all communications media more effective in serving the public.

Mr. HARRIS. Mr. Chairman, I yield such time as he might desire to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, much has been said in the last few months about the now celebrated Lar Daly case, involving an interpretation of section 315 of the Federal Communications Act.

Your Committee on Interstate and Foreign Commerce, on which I serve, recently concluded consideration of the number of bills introduced to offset the Federal Communications Commission decision granting Lar Daly, a perennial if unsuccessful candidate for a myriad of public offices including President, equal time on a Chicago television station in which to promote his candidacy for mayor of Chicago. This decision was prompted by Daly's protest that the station in question had depicted, on a regularly scheduled newscast, the incumbent mayor, Democrat Richard Daley, and his Republican opponent in various stages of political activity. Mayor Daley was also shown officially greeting Argentine President Frondizi on his arrival in Chicago and together with his wife, officially initiating a March-of-Dimes campaign. Lar Daly, who had filed as a candidate for both the Democratic and Republican nomination for mayor, demanded and was refused equal air time to further his candidacy. Taking an appeal to the FCC, this Commission ruled 4 to 3 that he was entitled to equal time.

This decision provoked many cries of Federal censorship from those in our communications industries. The industry voiced the fear that the decision would have the practical effect of preventing full coverage of newsworthy events connected with political campaigns and if carried to its logical extreme, might result in the Federal Government substituting its judgment of what is properly the subject of a newscast for the bona fide good faith judgment of television and radio news staffs.

The President has called the decision ridiculous and Chairman John Doerfer, Chairman of the FCC, publicly called for the repeal of section 315. Members of the House and Senate introduced bills ranging from the actual repeal of

section 315 to the exemption of newscasts, only, from the operation of that section.

Your committee has made a careful study of all the proposed measures and has heard testimony from leading industry officials, Members of Congress and various and sundry interested persons and groups. We feel that the measure under discussion today incorporates the best features of the various proposals and that it is one which will deal adequately with the situation while at the same time will not permit favoritism to be exhibited by a facility in behalf of a particular candidate.

This bill, as originally introduced, specifically exempted news documentaries and panel discussions from the operation of section 315. Nowhere was any mention made of political conventions, as such. In the reported bill, the committee withdrew the exemption from news documentaries and panel discussions because of the difficulty encountered in defining these terms and added a provision exempting on-the-spot news coverage of "political conventions and activities incidental thereto."

It has been argued that the phrase "activities incidental thereto" could be interpreted as affording an exemption to panel discussions and news documentaries when conducted in connection with political conventions. However, in view of the committee's specific refusal to exempt those types of news coverage, it would appear that it was the intent of the committee to refuse exemption of these two categories under any circumstances, whether in connection with political conventions or otherwise, if appearance by a candidate on such an event was not "incidental to the presentation of news."

Mr. Chairman, this bill, we believe, constitutes a balance between actual repeal of the "equal time" provision and the present interpretation of section 315. We feel that the provisions contained in the bill are not only fair to bona fide political candidates but that they will permit our communication media to continue to keep our public well informed on important public events.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Chairman, I would like to associate myself with the remarks of my distinguished chairman, the gentleman from Arkansas [Mr. HARRIS]. As chairman of the Committee on Interstate and Foreign Commerce and as chairman of the Subcommittee on Communications and Power which conducted hearings on this legislation, he has maintained a spirit of fairness and has from the outset made every effort to go fully into this question, to permit any witness who wanted to be heard the right to appear before our committee, and he was instrumental in drafting the language of H.R. 7985 as reported by the subcommittee and by the full committee.

He has clearly defined the background and the purpose of this legislation. I find myself in accord with his interpretation of both.

I support this legislation as reported by the committee and I urge its approval today.

Mr. Chairman, the purpose of this bill, as amended by the committee, is to exempt from the equal-time requirement of section 315 of the Communications Act of 1934 any appearance by a legally qualified candidate on any bona fide newscast—including news interviews—or on any on-the-spot coverage of news events—including but not limited to political conventions and activities incidental thereto—provided the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of news.

As to the background of this legislation, section 315 of the Communications Act of 1934, as presently in effect, reads as follows:

FACILITIES FOR CANDIDATES FOR PUBLIC OFFICE

SEC. 315(a). If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

The bill, as amended by the committee, would add a new sentence at the end of subsection (a) of section 315, as follows:

Appearance by a legally qualified candidate on any bona fide newscast (including news interviews) or on any on-the-spot coverage of news events (including but not limited to political conventions and activities incidental thereto), where the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of news, shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

The background of this legislation is as follows:

On June 15, 1959, the Federal Communications Commission adopted on interpretive opinion in the so-called Lar Daly case, with two of the seven Commissioners dissenting and one Commissioner dissenting in part. In its opinion the Commission denied a petition for reconsideration of the Commission's earlier interpretation, adopted in that case on February 19, 1959, to the effect that the appearance by a legally qualified candidate in the course of a newscast must be considered use of a broadcasting station within the meaning of section 315, and that other legally qualified candidates for the same office must therefore be granted equal time.

While the Commission, in its opinion, admitted that the legislative history of section 315 was "barren of specific mention of the problem involved here"—paragraph 48—the majority nevertheless held that "there is no legal basis for exempting appearances by candidates on newscasts from section 315, irrespective of whether the appearance was initiated by the candidate or not"—paragraph 55.

The Commission blamed "the unconditional nature of the language of section 315 which we are not at liberty to ignore" for what may seem a "harsh and unduly rigid" holding in the Lar Daly case. It referred to the language of section 315 as an "unequivocal mandate," and took the position that if its holding in the Lar Daly case has the effect of restricting radio and television licenses in their treatment of political campaign affairs the remedy lies with Congress rather than with the Commission—paragraph 55.

For 32 years prior to the Lar Daly case it had been assumed by broadcasters as well as political candidates that the equal-time requirement did not apply to the appearance of a candidate on a newscast. This view was confirmed by the Commission in the so-called Blondy case—letter to Allen H. Blondy, dated February 6, 1957; 14 R.R. 1199. In that case a station used as part of a newscast film clips showing a legally qualified candidate participatings, as one of a group, in official ceremonies; and the newscaster, in commenting on the ceremonies, mentioned the candidate and others by name and described their participation.

The Commission held in the Blondy case that the equal-time requirement of section 315 did not apply because "the facts clearly showed that the candidate had in no way directly or indirectly initiated either filming or presentation of the event, and that the broadcast was nothing more than a routine newscast by the station in the exercise of its judgment as to newsworthy events"—FCC public notice, "Use of Broadcasting Facilities by Candidates for Public Office," October 1, 1958, question and answer No. 12.

Thus, the language of section 315 did not prevent the Commission in the Blondy case from reaching a result which, in the opinion of this committee, was a reasonable one; and it is worthy of note that the holding of the Commission in that case was a unanimous one.

This prompts the question: What circumstances led a majority of the Commission 2 years after the Blondy case to conclude that the unconditional nature of the language of section 315 made it impossible to reach an equally commonsense result in the Lar Daly case?

The committee feels that the Lar Daly decision is inconsistent not only with the Blondy decision but also with some of the Commission's own statements in the Lar Daly case. In the latter case, in the following statements, the majority stressed quite properly that if section 315 were construed to require qualitative as well as quantitative equality, the statute could not possibly be complied with:

68. The Commission has never stated that the time afforded Mr. Daly must be on a

news program. Our prior rulings belie the implied contention of petitioners that equal opportunities call for identical formats and time segments. * * *

70. The impracticability of pure equality of opportunity does not leave as the only remaining alternative total abandonment of any attempt to carry out the intent and purpose of section 315. On the contrary, there remains the logical application of the statute by way of substantial compliance with the intent and purpose of the Act. The intent and purpose of that section are fulfilled, we believe, when broadcast facilities are made available under conditions which amount to the closest approximation to equal opportunities.

The committee agrees with the Commission that absolute and pure equality of opportunity is impossible of achievement. However, it is mystifying to the committee that in the Lar Daly case the Commission was capable of construing the language of section 315 in some respects so as to require no more than substantial compliance with the intent and purposes of the act but in other respects felt that the unconditional nature of the language of section 315 prevented it—in spite of the considerations which guided the Commission in the unanimous decision in the Blondy case—from reaching a realistic and practical result in the public interest.

Under these circumstances, the committee feels that the courts may well overrule the Commission's decision in the Lar Daly case. The committee notes that a petition to review the Commission's order has been filed in the U.S. Court of Appeals for the District of Columbia. Until a final judicial interpretation has been made in this case, however, the Commission's decision would continue to affect adversely and contrary to the public interest the treatment of political news by radio and television stations.

Therefore, it is essential that legislation be enacted promptly exempting from the equal-time requirement of section 315 the appearance by a legally qualified candidate on a bona fide newscast. At the same time the committee feels that there are certain problems of electronic news coverage, involving the operation of section 315, other than those dealt with in the Lar Daly case, which should be cleared up by the Congress in this legislation simultaneously with the clarification of section 315 with respect to newscasts.

Mr. Chairman, we feel that this proposed legislation clarifies the intent of Congress relating to section 315. Section 315 was incorporated in the Communications Act of 1934. It had previously been in the Radio Act of 1927, and it has been sound legislation throughout these many years.

This legislation today does not change or alter the intent of Congress. The purpose of this legislation today is to clarify the meaning of the term "equal time" and to remove any doubt on the intent of Congress on this subject.

Mr. Chairman, I urge the approval of H.R. 7985.

Mr. ALBERT. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. MACDONALD] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MACDONALD. Mr. Chairman, I rise in support of H.R. 7985, the so-called equal time amendment.

Recent events indicate the necessity for an immediate change to exempt legitimate news broadcasts and similar programs from the usage category of section 315, the so-called equal time provision of the Communications Act.

The harshness and difficulty inherent in this enforcement was clearly shown this year when, in deciding an appeal from a minor candidate for mayor of Chicago, Lar Daly, the FCC ruled that he was entitled not only to buy equal time but to have allotted to him the same space given other candidates on regular news programs.

If this ruling were to be followed vigorously, minor candidates for major offices, including a variety of freaks and crackpots, could create chaos on the airlanes before and during political campaigns. In 1956, for example, 9 minor contenders campaigned for the presidency, gaining from 8 to 175,000 votes apiece. Had each of these demanded equal time as President Eisenhower after his news conferences, the confusion can easily be imagined. Furthermore, this ruling destroys the program editor's freedom of judgment as to what is news and what is not. Newscasters should not be restrained against the public interest in proper judgment of what is news.

Mr. Chairman, the necessity for a ruling is now upon us. The majority of the witnesses who testified before the committee said in effect that if every person who declares himself a candidate for office is to be given equal time under the present interpretation of the Federal Communications Commission, an impossible situation will follow and therefore I would like to point out that action need be taken.

I point out that under the bill that is now under consideration an appearance by a candidate on "any bona fide newscast (including news interviews)" will be considered not to be "use" of a broadcasting station within the meaning of section 315 if such appearance is incidental to the presentation of the news.

However, in order that there will be no misunderstanding as to what the committee had in mind concerning this point I wish to quote a part of the committee report.

It will be noted that the committee inserted the words "including news interviews" following the word "newscast." This was done to make clear that the appearance of a candidate in a news interview shall not require the granting of equal time to competing candidates if such interview is part of a bona fide newscast and if such appearance is incidental to the presentation of news. It is the intention of the committee that in order not to be considered use of a station, the event to be covered in a newscast must be news in and of itself, and the appearance of a candidate in connection with such event must not be the principal aspect of the event. Most events in the course of a campaign are likely to have been staged by the candidate, and the appearance of the candidate in connection with such events must be considered to be the principal purpose of the event rather than incidental thereto. Under such circumstances, the appearance of a candidate on a newscast which covers such a staged event must be considered use of a broadcasting station within the meaning of section 315, thus requiring the granting of equal time to opposing candidates.

From discussions within the committee, it is clear that staged events such as a candidate pictured visiting a long established factory or oil refinery in the area and is pictured shaking hands with workers should not be viewed as news but as a staged event, and prohibited as being a real newcast. So-called local news programs that cover a candidate in his typical campaign day showing the candidate greeting his workers at a reception staged in his honor, or viewing a ship entering a harbor should likewise be considered staged events. Obviously, such events should not be carried as local news and if they are, the candidate's opponent should be given equal time and treatment. These illustrations are not hypothetical but actually occured in a campaign for Congress in the Eighth Congressional District of Massachusetts. I know that my colleagues agreed with me in committee meetings that this type of staged event should not come out from under the purview of section 315.

Mr. Speaker, the protections afforded to bona fide candidates should be protected equally with the rights of the networks not to be burdened by psuedo candidates' demands for equal time on national networks. I feel it important that the freedom of our airways be maintained and certainly in this field section 315 has been a bulwark against self-styled kingmakers presenting their candidates to advantages under the guise of local news while creating a blackout over the activities of the hand-picked candidate's opponent.

Mr. Chairman, I want to commend our distinguished chairman and the members of committee for the excellent work they did in connection with this much needed proposal. We have the choice of having a news blackout or of doing something about the situation, as the chairman and others have pointed out.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. MACK].

Mr. MACK of Illinois. Mr. Chairman, I wish to commend the able and distinguished chairman of the Committee on Interstate and Foreign Commerce for the wonderful job he has done in attempting to solve a very difficult problem.

As I understand the purpose of this legislation, it is to restore a situation which had existed since 1927 when the original act was passed. I believe that this bill will accomplish this and therefore I offer my unqualified support of the committee bill.

Mr. Chairman, this bill was brought to the House today because of the now famous Lar Daly decision. Many of the people of this country differed with the decision of the Federal Communications

Commission on that occasion. But, all of us respect the right of the Federal Communications Commission to make such a decision. This legislation is a result of the clamor which followed this decision.

I believe that if the Commission had followed its interpretation of section 315, it would have been justified in denying time to Lar Daly. In the FCC public notice of October 1958 entitled "Use of Broadcasting Facilities by Candidates for Public Office" the following question is set forth:

Question. When a station, as part of a newscast, uses film clips showing a legally qualified candidate participating as one of a group in official ceremonies, and the newscaster, in commenting on the ceremonies, mentions the candidate and others by name and describes their participation, has there been a "use" under section 315?

Answer. No. Since the facts clearly showed that the candidate had in no way directly or indirectly initiated either filming or presentation of the event, and that the broadcast was nothing more than a routine newscast by the station in the exercise of its judgment as to newsworthy events.

I think that that is a reasonable answer to the question propounded, and if the Federal Communications Commission had followed this precedent they would not have decided as they did in the Lar Daly case.

I believe I was the only member of our committee who voted against this bill when it was being considered in executive session. Now, since the report has been written and the legislative history is being made on this subject, I am satisfied that it will solve the immediate problem. I would like to ask the chairman of the committee if this is not the purpose of this legislation, to restore the original intent of the Congress and the original interpretation of this basic law.

Mr. HARRIS. The gentleman is correct. That is the intention of the committee. Of course, it would necessarily have to clarify some of the things that arose as a result of that decision, and that, too, to be clarified by this legislation and the legislative history of it.

Mr. MACK of Illinois. I want to again commend the chairman of the committee and say I strongly support what he is trying to accomplish by this legislation. I also want to mention the fact that although we are amending the basic law, that we are clarifying this point, we have failed to attack the real problem pointed up in the Lar Daly case. In this case, we had a candidate, a perennial candidate, who runs for every office, demanding equal time with prominent people who are substantial candidates for office in Chicago and the State of Illinois. I want to state emphatically that this bill will not solve that problem. I have so stated in my supplemental remarks. I think the problem confronting the Congress is to define the term "legally qualified candidate." I have made a suggestion that we limit the time that a man is actually a candidate by classifying him as a candidate 45 days before a primary and 90 days before a general election. Under that provision it would be impossible for any of these nuisance candidates to come in a year in advance, such as Lar Daly could do today, to demand equal time. If we limit the time to 45 days before a primary and 90 days before a general election, it would be only during that period that the provisions of section 315 would apply. I think we have to go even further than that in defining the term "legally qualified candidate," but this can be handled in separate legislation after this bill is enacted.

Mr. Chairman, I strongly support the objectives of this bill but I also feel that we need to further consider legislation to deal specifically with the problem confronting us in the Lar Daly case.

Mr. BARR. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BARR. Mr. Chairman, the United States has never had much luck trying to regulate the coverage of news events. The various States refused to accept the original Constitution until a Bill of Rights was included which guaranteed freedom of the press. In the early 1800's the alien and sedition laws raised such storms of protest that they were quickly dropped. Most people in this Nation are dedicated to the idea that they should receive their news with no governmental restraints.

This whole idea of freedom of the press worked quite well until the advent of radio and television. When radio came on the scene, the whole problem became just a bit different. Radio stations were paid for with private capital, but they used the airwaves that obviously belonged to all the people. Their situation was not the same as that of a newspaper which provides its own capital for distribution as well as for publishing. In the case of radio, the airwaves over which the programs were distributed were clearly the property of every citizen.

In 1934 the Congress enacted the Federal Communications Act. This act spelled out certain obligations which the broadcasters must assume, and among these were the obligations to render certain public service as a part of their programing schedules, and to treat all political candidates fairly and impartially. Section 315 of this act stated that any broadcasting licensee, which allows its facilities to be used by a legally qualified candidate, must afford fair and equal opportunities to all opposing legally qualified candidates.

This provision sounded fine when it was written, but it has proved very difficult to interpret. It has been the source of a lot of confusion and some bitterness because actually it has acted as a restraint on the right of broadcasters—whether radio or television—to report the news as they see it. The situation becomes especially difficult in election years when a man who already holds public office is a candidate for reelection. In the last months of his tenure when he is still a public servant and also a candidate, the broadcasters are faced with a lot of difficulty in reporting any news that this official may develop. In Chicago when they photographed the mayor greeting an important foreign visitor, one of his opponents asked for equal time. The same situation to a lesser degree developed in my own city of Indianapolis, Ind. It became very difficult for the broadcasting stations to report adequately the activities of our mayor this spring.

This restriction on their right to cover the news ran into the typical and traditional American opposition to any law or to any regulation that imperils the freedom of the press. It was obvious that something had to give, and the equal-time bill, which we are considering today, was the result.

I believe that this bill is a good bill; it is in the national interest; and it is in the American tradition of freedom of the press. It exempts from the equal-time provisions of section 315 newscasts, interviews, and on-the-spot coverage of news events, including national conventions. The bill limits itself strictly to news coverage, and while no bill in this extremely complicated field can be perfect, I believe that all of us can agree that this is certainly a step in the right direction. I intend to support this bill, and I believe that it will help the broadcasters in my congressional district and across the country to better perform their obligation of news coverage to the general public.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, I think that possibly the chairman of the committee in his remarks a few minutes ago misunderstood my intention of the idea I was trying to express when I discussed this bill a minute ago and brought into the discussion the daytime broadcasters. What I hope we can make clear is this: Anything that we do in this bill to take the burden off the big broadcasting station and the big networks will thereby lose us their interest in any other legislation which could be brought up, which could be enjoyed by this group of small stations that have never been able to get the ear of the Federal Communications Commission.

I want to say this, as was pointed out by the chairman of the committee and as was pointed out in the report and by the gentleman who preceded me, that if the Federal Communications Commission had used ordinary common sense this bill would not be here today. We cannot write the regulations for the Federal Communications Commission. They have guidelines now, but if they cannot use the law as it is, in a common sense way, no amount of legislation that we write here is going to correct that situation.

I want to commend the committee for at least touching a part of it and trying to get it cleared up. But I will say quite frankly that I do not think they have gone into it far enough. I do not think the committee has faced up to its responsibility to solve this problem that the daytime broadcaster has. And I am talking about the radio stations that are serving the public interest of this country, the stations that are providing the

community service. And every one of the Members here except those, possibly, coming from the metropolitan areas, has that kind of station. We should be fighting for them now to see that this regulation of the Federal Communications Commission is changed to permit those local community, public-spirited stations that are rendering a public service, to continue. And they are not going to be able to do it as long as the Federal Communications Commission continues to do as it has done.

I might say to any Member of this Committee who listen to the big radio stations and to the big networks that they do not give a hoot about what happens down in your local communities where you have to depend upon those stations.

Mr. Chairman, I do not want to confuse this issue, but I am telling you this: If you pass this bill for the benefit of these big stations and big networks who are trying to get out from under a part of their responsibility, and for the benefit of the Federal Communications Commission which wants us to write their regulations and take over part of their job for them, you are going to lose the interest of those people when it comes time to legislate in the interest and for the benefit of the public and for those stations that are serving the public. That is what I am trying to tell you here today. I am not confusing the issue, but I am telling you that when you pass this bill you are going to take away a lot of the interest.

I would like to ask the chairman of this great committee, has his committee any intention of doing anything about the daytime broadcasters' problem?

Mr. HARRIS. If the gentleman will yield to me——

Mr. JONES of Missouri. I am glad to yield.

Mr. HARRIS. In the first place, on behalf of the committee, may I say that I appreciate the compliment the gentleman has paid the committee. On the other hand, I cannot accept the severe criticism of the committee, that it has not done its duty. In my opinion the committee has been doing its duty on this question that the gentleman has in mind.

We have had it before us for some time and there has been a study which has been made by the Federal Communications Commission. This question has been studied for some time.

As I said to the gentleman earlier in the day, this is a problem that goes far beyond whether or not a daytime broadcaster shall operate from a certain time in the morning until a certain time in the afternoon. This is a matter which involves engineering and as the gentleman from his experience knows, it depends upon the time of the day how far a signal will go. The gentleman knows from his experience that that is an engineering problem that is involved. He also knows that the matter is tied up with treaties which this country has negotiated with other nations, particularly to the south of us. If the gentleman wants to know, if those treaties were disregarded overnight many of these foreign stations that are involved could jam our broadcasting stations.

The gentleman has made these accusations, but I say to the gentleman that the committee has gone into this problem and the committee is just as much concerned with the daytime broadcaster as is the gentleman. But we have got the welfare of the United States to look after as well as that of the daytime operators. It is the intention of the committee, as it has been up until now, to consider this problem. Therefore the Communications Commission has been in contact with the State Department in an effort to try to work out something on it.

Mr. JONES of Missouri. Will the gentleman just answer this one question. When do you intend to have the people there?

Mr. HARRIS. The arrangements are under way now and have been under way to work it out for the last 6 weeks.

Mr. JONES of Missouri. When I came to this body in January 1948 the Federal Communications Commission members at that time told me the matter was under consideration. It has been under consideration ever since. They tell you about the engineering and they tell you about the treaties when the fact of the matter is there is not a member on that commission down there who is sympathetic to this daytime broadcasters problem because they are influenced by the big networks and the big stations. I make that statement without any reservation.

Mr. Chairman, I yield back the balance of my time.

Mr. HARRIS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman from Missouri is just as sincere and honest in his motives and in his intentions as anyone can be, but I say to the membership of this House—as important as the broadcasting industry is to this Nation, we must take into consideration that the radio spectrum which belongs to this Nation, is utilized not only by us but by other nations whose use of the spectrum may interfere with our use of the spectrum. I trust the gentleman can understand there are these other matters involved, and these matters may be responsible. The committee is not derelict in its duty, and it is not, as the gentleman says, catering to some so-called big business operation. I would say to the gentleman that the members of the Committee on Interstate and Foreign Commerce are just as interested in the little broadcasting stations as he is, and I want to make that just as plain as I know how. If this committee, having the welfare of the little broadcasting stations at heart, can do anything about the problem that the gentleman has raised, it will be done. I can assure the gentleman of that.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, although I am in support of H.R. 7985, I want to take this opportunity to direct the attention of the distinguished Committee on Interstate and Foreign Commerce to the need for legislation to clarify the right of any broadcasting station to endorse the nomination or election of any candidate or the support or defeat of any issue on the public ballot.

During recent years there has been a growing tendency on the part of broadcasters to support a slate of candidates for public office and take a position on issues on the public ballot. Although the broadcasters have operated with restraint in this area, there are grave dangers in this practice.

First of all, radio and television endorsements violate the spirit of section 315(a) of the Federal Communications Act, which provides for equal opportunities and fair play in the political use of the spectrum.

Secondly, only a small percentage of the broadcasters are really equipped with individual resources to evaluate the qualifications of candidates for public office or to determine the wisdom of support or opposition to issues on the public ballot. Many radio stations are manned by a diskjockey, an engineer who doubles as news commentator, and an owner-manager who probably heads up the advertising department. More and more television stations operate with an engineer, a movie projector, and a box of old film. Can there be fair play with endorsements made under these circumstances? Can there be fair play under circumstances which permit the owner of a broadcasting station to editorially support his own candidacy? Is this a proper use of the spectrum which is public property?

Is the public interest served by permitting the private individual owners of broadcasting stations to recommend the election or defeat of candidates for public office? The legislator who legislates with one eye on the newspaper editorial is already half a man. Is it wise to further divide and defeat his personal judgment with the promise of television and radio endorsements?

Radio and television endorsing of candidates for public office and issues on the public ballot should be abated in its infancy in order to protect the integrity of the medium. The constitutional issue of free speech is not involved. The broadcasters use a public spectrum—publicly monitored at public expense. The broadcasters operate under a license which is issued by a public authority under a framework of laws adopted by the Congress.

I believe that radio and television, as important mediums of communication, should operate as free as possible from public restraint. I also believe we should preserve to the utmost the instrumentalities through which we enjoy the dissemination of facts and information. However, there are very serious objections to the use of these mediums for control of thought. Up to very recent times, radio and television have built up a very commendable record of impartial reporting. I fear the potential decline of the integrity and the future of these mediums if they should enter upon participation in active politics by the endorsement of candidates for public office or the endorsement of public issues.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I, too, would like to commend the committee for attempting to resolve an extremely knotty problem, one that deals with constitutional questions, constitutional principles, and I know that the members of this committee have worked very hard to try to come up with the solution which they think at least is going to go a part of the way toward meeting the problem.

I feel that a great deal of this problem has been created by the purely arbitrary and administrative decisions of an executive agency whose policies have harassed to a great extent the entire radio and television industry because these policies have ricocheted somewhat from time to time. This whole thing started this spring when we in Chicago were having our annual St. Patrick's Day parade and as has been the custom, the mayor of our town was going to lead the parade, but he had already been a declared candidate for reelection. The television station that was going to televise this very colorful parade that is participated in by all nationalities in Chicago was advised that if it televised this parade with the mayor leading this parade, it would probably have to give equal time to the other candidates running for mayor.

The television station inquired of the FCC as to whether or not the parade telecast would come under section 315(a). Instead of standing up to its responsibilities and advising this television station, the FCC harassed this station right up to the last minute by saying: "Go ahead, use your own judgment. We will then make a decision after you have used your judgment."

This is the kind of service that has been emanating from the FCC, so there is a question I would ask of the chairman of this committee, the gentleman from Arkansas, for whom I have a very high and deep respect, a question which when answered will certainly help me, for I want to be guided by the committee's recommendation. As has been pointed out by the gentleman from Illinois, the language proposed in this bill is somewhat ambiguous. Is there any possibility that such language as "legally qualified candidates," "bona fide newscasts," and so forth, is there any possibility that the ambiguities of this language could enable the FCC to further harass these radio and television stations even more than they are doing now?

Mr. HARRIS. The Federal Communications Commission, of course, has only as much authority as is delegated to it by the Congress. We are trying to make a record here to explain carefully and clarify this entire matter so that the Commission will have some guidance insofar as this amendment is concerned.

The Commission has pursued what I think has been a very justifiable course, with respect to the qualification of candidates and the Commission is recognizing the laws of the various States as to when a person becomes a candidate for office.

Mr. PUCINSKI. This legislation, then, would not distinguish between a bona fide public official exercising his official duties as the mayor of Chicago did in leading the St. Patrick's Day parade as against any others, would it?

Mr. HARRIS. This legislation is intended and would cover such bona fide newscasts and on-the-spot news coverage wherein the mayor of Chicago would appear at a public function. That is the matter the gentleman is concerned about.

Mr. PUCINSKI. It is the gentleman's contention, then, that this legislation would give the newscasters greater leeway in reporting legitimate news.

Mr. HARRIS. It would exempt that type of news coverage in a newscast or in on-the-spot coverage of a news event.

Mr. YATES. Mr. Chairman, will the gentleman yield that I may ask a question of the chairman?

Mr. PUCINSKI. I yield.

Mr. YATES. It is becoming more popular for TV stations in the use of their news facilities to editorialize. What would happen in the event that one of the commentators broadcasting an editorial were to call a candidate for an interview? Would that be a newscast within the meaning of the language of the bill?

Mr. HARRIS. If it is part of a regular newscast, then it would be exempt under the provisions of this bill.

Mr. MOSS. I wonder if the gentleman will yield? I thought that was handled very carefully in the report. It would be my interpretation that the incident related, the hypothetical case, would not be exempt under the language adopted by the committee, as dealt with in the report of the committee. The question was in connection with an editorial comment of a station to further the candidacy of a candidate and I say that clearly would be covered under 315 and not be exempt.

Mr. HARRIS. The gentleman is correct if he is limiting what he said to editorial comment. In order to be exempted, the appearance must be part of a regular bona fide newscast and must not be for the purpose of aiding a candidate.

Mr. YATES. I had in mind a regular program of commentary and special exception is made in order to permit a person who is a candidate, possibly an officeholder, to explain a particular event. Would other candidates for the office held by the person being interviewed be entitled to equal time?

Mr. HARRIS. If it is a part of a bona fide newscast, and the appearance of a candidate is incidental to the presentation of a news event they would not be entitled to equal time. If it was something other than that, then the station would have to give equal time to all other candidates.

Mr. YATES. Is editorial commentary, which is not news——

Mr. HARRIS. This does not include editorial commentary.

Mr. YATES. It does not include editorial commentary. The gentleman is stating that the term "newscast" does not include "editorial comment"?

Mr. HARRIS. This does not deal with news interviews in connection with what is generally referred to as "editorial commentary."

Mr. YATES. Does the term "newscast," as used in this bill, include editorial commentary?

Mr. HARRIS. There is nothing in the bill or in the report to the effect that that would be included as a part of the exempting provision.

Mr. YATES. Do I understand the chairman's answer to be that the term "newscast" does not include editorial commentary?

Mr. HARRIS. It does not include editorial commentary.

Mr. YATES. I am not getting a specific answer.

Mr. HARRIS. The gentleman will have to admit this: It has got to be determined what particular kind of program it is. I do not know what the gentleman would mean by editorial commentary. That could cover a whole field of programs. We have here specifically narrowed this field to what is referred to and what everybody recognizes as a bona fide newscast, including bona fide interviews that are incidental to the news.

Mr. PUCINSKI. Who would decide when a newscast is, No. 1, incidental to the news; and, No. 2, free of any editorial comment? Who does that?

Mr. HARRIS. First, it is the responsibility of the station. If the station is claimed to have failed to exercise its bona fide news judgment, then the Federal Communications Commission can be called upon to act.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. BENNETT of Michigan. I think one thing should be made clear. When you speak of a news commentary by a regular news commentator of a station, we do not deal with that problem here at all unless the candidate appears on a program in some way. There is nothing in this legislation that deals with any area of reporting on TV or radio unless it is associated with the appearance of the candidate or officer, a bona fide candidate.

Mr. PUCINSKI. I think the committee is to be commended for its efforts in trying to solve this problem.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I rise to explain the reason for the supplemental views which are found on page 18 of the report. What has happened is that in the Lar Daly case, because a man announced his candidacy far in advance of the time in which he would really be a candidate, a ridiculous decision was announced which said any other candidate would have equal time. I have supported the bill—I never voted against it—and compliment and commend the chairman for the wonderful work he and his subcommittee have done in preparing this fine legislation.

When I think of the fact that every Member of the House is a candidate today for office next year, because he is if he will admit it, unless he plans to retire; and if any person announces against him now, what happens? Is he a legally qualified candidate or not? The gentleman from Illinois [Mr. MACK], and I felt we either ought to invade the area of definition and say that because this is a regulatory body under the Congress we should define a legally qualified candidate.

Let me point out here that we believe the stations should have more leeway in making these determinations. We do not go so far as to further the idea of abolition of section 315(a) of the Communications Act of 1934, but we believe relief from the probability of such decisions, as that in the Lar Daly case, should be legislated.

When we were faced with that decision we found out—and it is on page 8, I believe, of the report—that the Federal Communications Commission had already defined "legally qualified candidate" as one who the State laws had said is legally qualified, and therefore we would have been invading an area which would cause litigation and confusion and further confuse this issue which has been confused by what I call a ridiculous decision in the Lar Daly case. So, our next approach, in order to meet a practical problem, was to say, Let us set a time limit before a primary or a convention or before a general election in which this section 315 should apply.

Now, what would that mean? That would mean that a Member of Congress, for example—and our own personal problems would certainly point out the practicalities of the situation—who has a weekly broadcast, which is nonpolitical, and he has guests on it, and someone announces against him—he can no longer continue that program whether it is political or not, because we still have this thing open. When the opponent says he is a candidate he is a candidate insofar as I can determine under the Lar Daly decision and so far as this legislation is concerned. That is the reason for the supplementary views. We felt that the legislation should go further. I support the legislation, but I want to call that to the attention of the committee.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from Tennessee.

Mr. EVINS. The gentleman is a very distinguished lawyer. Certainly, because of the confused situation, there is need for clarification. However, I gather from your statement in the report that you do not feel that enough standards have been written into the bill; is that correct?

Mr. HEMPHILL. I feel that as many standards have been written into the bill as could have been written. I would like to go into this other area, but I would not offer an amendment that was not taken up in committee. I do not think the legislation should be written here on the floor of the House.

Mr. EVINS. As far as a legally qualified candidate is concerned, that might vary in 50 States, and you might have 50 different standards, is that not correct?

Mr. HEMPHILL. That is correct. If we invade that area of definition, then we are invading States rights on the one hand and confusing the issue on the other, because the Constitution says that the States shall determine who are the electors, and if the Constitution provides that, then I think the Constitution would say the States have the right to determine who the legally qualified candidates are.

Mr. EVINS. Does the gentleman think standards should be written into the bill regarding the 45 to 90 days qualifying time before primary and general elections, or should that be left to local decisions?

Mr. HEMPHILL. I think that that should be left to local decisions. I might say to the distinguished gentleman from Tennessee that the reason we insist on putting in these supplemental views is to get before the Congress the thinking on this matter so that if for any reason this legislation does not do what we think it will do and hope it will do, that then we will have some area for discussion in the future for acting on this.

Mr. EVINS. The gentleman is appealing for more freedom on the part of the local broadcasting companies rather than centralizing control in the FCC.

Mr. HEMPHILL. That is true. I might say to the gentleman that I have found the radio and television communications facilities in my area eminently fair at all times. I think they should have more discretion. If they abuse it, and I do not believe they will, Congress has the power and the instrument of correction by appropriate legislation.

Mr. BENNETT of Michigan. Mr. Chairman, I yield such time as he may desire to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I am pleased to rise in support of legislation to correct what in my mind was a misinterpretation by the FCC of section 315, the so-called equal time rule. I need not report to the House the results of the FCC ruling in the Lar Daly case. Suffice to say that all political news faces a complete blackout on radio and TV as a result of that ruling.

And although this blackout would leave newspapers free to report political activities and campaigns, we all know that the press in many instances has failed to do the fine objective reporting job that has been done by the radio and TV stations and networks in this country.

It is a shame that any legislation is needed in this field. I believe that the time will come when all of section 315 will be repealed, and the news directors of the stations and networks will use the guide of public interest in presenting political news; and they will continue to present the objective viewpoint they have in the past on both political news and nonpolitical controversial issues which are not now subject to section 315 and never have been.

As the author of H.R. 5389, the first bill introduced in Congress to correct the Lar Daly ruling, I am pleased that the Interstate and Foreign Commerce Committee has reported a bill to us which will effectively deal with the Lar Daly decision. Although the wording of H.R. 7985 is slightly broader than H.R. 5389, I naturally will give the committee bill my full support. The important thing is that we give relief to the news directors who have demonstrated time and time again through the years that they have and will deal with any controversial issue fairly and in the public interest.

I urge my colleagues to give their full support to this legislation to prevent what will otherwise be a news gag placed on the entire broadcasting industry.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, I take this time merely to clear the record because there has been very severe criticism leveled at the Federal Communications Commission because of their decision in the Lar Daly case, the inference being that it was a matter of the administration. I would like to say that the majority of the Commission who rendered this decision are not members of the same party as the administration. The Republican members on the Commission were in the minority in the Lar Daly decision, and I would like to have that made clear in the RECORD.

I also would like to say on my own behalf, while I am supporting this bill, I do not believe that it is as good a bill as was introduced by our chairman in the original instance. I think it has been injured by the amendment. And, while I am supporting it, I certainly hope that the conference committee will bring back a bill more nearly like the one that was introduced by our chairman in the original instance.

I also want to make it clear as far as the record and I am concerned, that I have no intention of voting for this bill if it would in any way eliminate programs such as "Meet the Press" and "Face the Nation" if they are to be included in section 315. I think they should be excluded and I believe they are excluded in this bill. If they were not I would not be for the bill.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Will the gentleman inform me if the Republicans are responsible for the situation we have in Chicago where the big broadcasting stations are wiping out the originating programs from Chicago? Do the Republicans claim credit for that?

Mr. YOUNGER. I could not say because I am not familiar with the situation in Chicago. The gentleman will have to ask somebody from Chicago. I am from California.

Mr. O'HARA of Illinois. I thank the gentleman.

Mr. BENNETT of Michigan. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the problem with which H.R. 7985 proposes to deal has been discussed from one end of the country to the other. It has been discussed in detail in open congressional hearings, in executive sessions, and we are now engaged in discussing it here on the House floor.

Let me say at the outset that I am in full accord with the objectives of the committee amendment which is now before us, but I have grave misgivings about the adequacy of the amendment to accomplish the objective which all of us are trying to reach.

What is our objective? It is to make possible for broadcasters to cover political news and political issues in a satisfactory manner, and they cannot do so if the Federal Communications Commission's Lar Daly decision is permitted to stand. Therefore, we must amend section 315 of the Communications Act.

It has been suggested by some segment of the broadcasting industry that this objective could best be accomplished by repealing section 315 in its entirety, and do away with the equal-time requirement for political candidates. I believe our committee was nearly unanimous in rejecting this approach as not being in the public interest, and the committee report reflects this sentiment. I concur in this decision and I shall not take any time to discuss this approach to the problem.

Then, our committee has before it a number of bills which would have qualified the equal-time requirement with respect to presidential and vice-presidential candidates both with regard to general elections and with regard to primary elections. These bills would have required equal time to be given to major party candidates only and would have defined what are major party candidates. Our Subcommittee on Communications and Power discussed these bills at great length and came to the conclusion that such an approach required a lot more study than we had time to devote during this session, and that it was important to get legislation enacted promptly in order to remove the Lar Daly hurdle to effective news broadcasting.

Therefore, the subcommittee decided—and I believe very wisely—to amend section 315 by exempting appearances of political candidates on bona fide newscasts and in the course of on-the-spot coverage of news events. I am in complete agreement with this course of action, and so stated in the executive session of the full committee.

The bill as originally introduced by the chairman of our committee, the able gentleman from Arkansas [Mr. HARRIS], included several additional categories of programs to be exempted from the equal-time requirement: news documentaries, panel discussions, and similar type programs. The subcommittee felt, and rightly so, that these programs should not be exempted generally but only if they happen to come within the category of newscasts or the category of on-the-spot coverage of news events. Thus, regular programs such as those scheduled weekly by some networks in the course of which news is presented would be exempted.

I feel the exempting of newscasts and on-the-spot coverage of news events is satisfactory and would make it possible for stations and networks to cover political news and news events without the shackles imposed by the Lar Daly decision.

In the full committee, however, some new language was added, and it is this new language which causes me to fear that if this language remains in the bill and becomes law, we shall not accomplish our objective to permit broadcasters to cover political news and political issues in a satisfactory manner. This new language provides that the appearance of a candidate on a newscast, news interview, or in connection with the on-the-spot coverage of a news event shall be exempt from the equal time requirement only—and I quote—"where the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of news."

Now, this new language seems innocent enough at first sight. However, a little closer examination and a careful reading of the committee report may persuade many of you, as it did me, that this is an impossible yardstick for the broadcaster and the Commission to apply.

Look at page 5 of the committee report, near the bottom of the page. The report states that this phrase "incidental to the presentation of news" was used by the committee in order to summarize in as few words as possible a number of factors which, in the opinion of the committee, require consideration. Then look at page 6, and let me read you a few paragraphs which highlight the difficulties which I fear will flow from this new language "incidental to the presentation of news":

> It is natural that during campaign periods political candidates will do their best to see to it that incidents in their campaigns, including speeches, are news and thus are covered by all important news media. However, as a matter of principle, it is not the intention of the committee that staged incidents or stump speeches be considered "news" within the context of this legislation.
>
> Most "events" in the course of a campaign are likely to have been staged by the candidate, and the appearance of the candidate in connection with such events must be considered to be the principal purpose of the event rather than incidental thereto. Under such circumstances, the appearance of a candidate on a newscast which covers such a staged event must be considered "use of a broadcasting station" within the meaning of section 315, thus requiring the granting of equal time to opposing candidates.
>
> It is the intention of the committee that in order not to be considered use of a station, the event to be covered in a newscast must be news in and of itself, and the appearance of a candidate in connection with such event must not be the principal aspect of the event.
>
> The committee realizes that it must initially be left to the sound and sophisticated "news judgment" of broadcasters, acting in good faith, to distinguish between these two types of events. The committee must necessarily assume that licensees of broadcasting stations who have come under the scrutiny of the Federal Communications Commission in connection with their applications and renewal applications for licenses can be expected to meet the test of responsibility in terms both of professional competence and integrity.

Now, there you have it. I can think of instance after instance where conscientious news directors of stations or networks will be in a quandary whether an appearance of a candidate is incidental or not to the presentation of news. Certainly, even if a director decides that an appearance, in his opinion, is incidental, the opposing candidate is likely to claim the contrary, and will demand equal time. If he does not get it, he will appeal to the Commission, and the Commission is likely to be flooded with numerous case in which it will be called upon to decide which appearance is incidental and which is not. Sooner or later, complaints will reach the Congress that the Commission misinterpreted the law, and we shall be back where we are now.

The other alternative is that stations and networks may decide that they cannot risk permitting the appearance of candidates under these circumstances, and then we shall have accomplished nothing by amending the statute because, just the same as now under the Lar Daly decision, stations will feel compelled to keep candidates out of newscasts and out of on-the-spot coverage of news events or risk complaints and appeals to the Commission.

Look at page 7 of the report—what it has to say there with respect to the appearance of candidates in the course of the on-the-spot coverage of news events:

> In the case of on-the-spot coverage of news events other than conventions, the selection of the event to be covered and the determination of the parts of the event to be broadcast largely determines which candidate will appear on radio or television, in what capacity and to what extent. The opportunities for favoritism and discrimination are many and may be important to the political fortunes of the candidates involved. The principal test, just as in the case of newscasts, is whether the appearance of a candidate is incidental to the on-the-spot coverage of a news event or whether it is for the purpose of advancing the candidacy of a candidate.
>
> Since the appearance of the candidate in the course of an on-the-spot coverage of a news event may be a great deal longer in time than in the case of a newscast, the task of balancing the two principles in fairness to the candidates and the public becomes even more difficult. Therefore, both the broadcasters and the Commission will have to exert a great deal of sustained conscientious and intelligent effort to arrive at balanced decisions in the case of on-the-spot coverage of news events. To recapitulate in part, the factors to be considered, among others, are the importance of the news event, the length and prominence of the appearance of the candidate, and the special national, regional, statewide or local significance which such appearance may have to the candidate and his political fortunes.

I believe that the report contains an understatement if it says that the task of broadcasters and the Commission will be difficult and that a great deal of conscientious and intelligent effort will be required of both to arrive at balanced

decisions under the language of the amendment. Mr. Chairman, I maintain that the task is an impossible one. It simply cannot be met even with the most conscientious and intelligent efforts on the part of the broadcaster and the Commission.

As a theoretical classroom exercise, the test of incidental to the presentation of news may be all right, but as a practical yardstick to aid broadcasters, candidates, and the Commission in reaching quick and equitable decisions, it seems to me, it is impractical.

What does this all add up to? I fear that unless the clause "incidental to the presentation of news" is omitted from this legislation we shall at best accomplish nothing or, more likely, we shall still further confuse an already sufficiently confused situation. I feel that we should omit this language from the bill. Without this language, the bill would exempt only bona fide newscasts—including news interviews—and on-the-spot coverage of news events—including but not limited to political conventions and activities incidental thereto.

I feel these two are the proper categories to exempt from the equal time requirement. If the incidental clause is stricken from the bill the broadcasters and the Commission will be given a fair chance to bring about results which are in the public interest. If that clause is stricken candidates may still demand equal time where a broadcaster permits appearances beyond the limits of these two categories, and the Commission still has power to determine whether a broadcaster has complied with the law and whether the complaining candidate is therefore entitled to equal time.

If we retain the incidental clause, however, I fear we shall have failed in our efforts clarifying section 315.

I hope the bill will be overwhelmingly approved.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I desire to speak in favor of the bill.

Mr. Chairman, I rise in support of H.R. 5. I take this time to speak on this legislation, even though I am not a member of the committee, because for a number of years I was employed as a regular news commentator on both radio and television, and am therefore somewhat familiar with the problems involved in television and radio news coverage, as well as with the impact of section 315 of the Federal Communications Act without the clarification provided by this legislation.

It seems clear on the basis of evidence discussed here today that without the kind of clarification provided in this legislation fair and adequate coverage of the news may be seriously impaired. Because radio and television are both so important today in keeping us informed, I believe it would be a tragedy if anything were to interfere with their ability to bring us as full a picture as possible of contemporary events.

But while I support this legislation, Mr. Chairman, I do wish to bring to the attention of the committee, and therefore to make a part of the legislative history my views with respect to two specific points.

There is no doubt that all television and radio stations have a serious responsibility for meeting the requirements of public service in their coverage of political candidates and political contests. This responsibility is already implicit in the Federal Communications Act. It will be even more so if this legislation is adopted. Not only will stations have an obligation to be fair in their treatment of all candidates and all sides of issues, but they will also have an obligation to make certain that important public issues are covered to a full and reasonable extent.

In that connection, Mr. Chairman, and this is the first point that concerns me, is that although section 315 specifically states that "no obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate", I believe that there must be a continuing recognition of the responsibility on the part of all radio and television stations to make their facilities available, insofar as reasonably possible, for the presentation of political views in the course of primary campaigns as well as general election campaigns. I am not prepared at this time to propose any specific amendment to this portion of section 315, but I do believe that the test of whether this legislation will be properly utilized will depend on the actions of the stations themselves in seeing that the important media of radio and television are not denied to candidates generally in the course of important primary and election campaigns. It is not enough merely to allocate such time as is allocated equally and fairly among the candidates. There is also, in my judgment, a further obligation on these stations to provide a reasonable opportunity for this kind of coverage, which the law does not now recognize but which should certainly be recognized by those in the broadcasting field.

Secondly, Mr. Chairman, while recognizing, as we do in adopting this legislation, that some of the provisions of section 315 must be limited in some degree in order to make adequate and bona fide news presentations feasible, there must not be any attempt to rule out fair and adequate coverage of the points of views of legitimate and proper candidates who do not belong to one of the two major parties. In my State of New York, for example, the Liberal Party has achieved great stature and has contributed greatly to the political life of our State. We must do nothing to make it impossible for any party which, though it is small, makes as important a contribution to political life of our country as does the Liberal Party, to be fully and fairly heard.

In that connection, the position of the Liberal Party on this legislation has already been expressed in the remarks of Dr. Timothy Costello, assistant secretary of the New York State Liberal Party over the CBS television network on Sunday, August 2. I therefore ask unanimous consent that the remarks of Dr. Costello be included at this point in the RECORD, and may I urge that the committee, as well as those charged with the administration of this legislation, keep clearly in mind the position so eloquently expressed by Dr. Costello.

The statement follows:

REMARKS BY DR. TIMOTHY COSTELLO, ASSISTANT SECRETARY OF THE LIBERAL PARTY OF NEW YORK STATE, CBS–TV NETWORK, SUNDAY, AUGUST 2, 1959

The position of the Liberal Party with regard to appearances of candidates for public office on television and radio is basic. We believe that not only are all bona fide candidates entitled to be heard, but that conversely, the people must be guaranteed the right to hear the viewpoints of all bona fide candidates.

We are aware of the problems involved in the appearances of candidates on news programs, panel shows and other broadcasts that may have no direct relationship to their candidacy. But we are even more concerned that the processes of democracy will always be maintained in this vital area of communication.

The President of CBS made a valid point when he said that the equal-time restrictions cause serious hardships for broadcasters. But he made a rather less-than-valid assertion when he stated that, unless corrective measures are adopted, "we will have no choice but to turn our microphones and television cameras away from all candidates during campaign periods."

We would remind Dr. Stanton that the airwaves belong to the people, and that the assignment of radio frequencies and television channels to commercial broadcasters involves the broadcasters in a never-ceasing obligation of public service. And the processes of democracy in general, and political campaigns in particular, are all part of that public service.

The radio and television broadcasters, by reason of hardship, could no more divert their microphones and cameras away from events and issues of deep public interest than the power companies, also by reason of hardship, could divert electric current away from a community. And in this area, may I say parenthetically, we are concerned not only with free time on the air; we are also concerned with the increasing difficulty of getting even paid time for political broadcasts.

Equal air time is a very important part of the democratic process. And the sharing of the public forums by the candidates of the two leading parties is in the best tradition of let the people decide.

But if the democratic process is to flourish, major recognition must also be given to third parties. For in the history of our country, third parties have shown that they have a vital contribution to make. The Republican Party itself began as a third party. The records of achievement by the Progressive Party in Wisconsin and the Farmer-Labor Party in Minnesota are testimony to the importance of third parties.

And currently, although the Liberal Party of New York State is the only major third party in the Nation today, it, too, we believe, is writing a record of achievement in the State of New York and in its cities and counties that brings echoes of agreement and of action from many other parts of the country.

The third parties of the past, as well as the Liberal Party today, have been the originators of much that was new and perhaps daring to begin with but that has now become part of the social and political fiber of the Nation. At the moment, I will name only old-age pensions, unemployment insurance, minimum wages, public housing, and civil rights. There are many more.

For a decade now, between 250,000 and 500,000 voters in New York State have voted for the Liberal Party's candidates at each election. This is greater than the total vote cast in the last presidential election in such States as Arizona, Delaware, Idaho, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, South Carolina, Utah, Vermont, Wyoming, and a few others. It is greater than the total vote of the two new, and let me say very welcome, States of Alaska and Hawaii.

We are dealing here with a major force in American politics. We are dealing with a party whose independent candidate for the U.S. Senate in 1952, Dr. George S. Counts, polled 490,000 votes; with a party which, in that same year, gave Adlai Stevenson 417,000 votes; with a party whose vote carried New York State into the Roosevelt column in the presidential election of 1944; with a party whose 426,000 votes gave Senator Lehman his margin of victory in 1949; with a party that elected its independent candidate, Rudolph Halley, president of the New York City Council in 1951 with 583,000 votes, and gave him 428,000 votes for mayor in 1953; with a party whose 264,000 votes carried Governor Harriman to victory in 1954, and whose 295,000 votes made State Comptroller Arthur Levitt the only Democratic victor in 1958; with a party that elected its own candidate, Vincent Corsall, the present mayor of the city of Oswego.

To quote Senator KEATING'S recent statement, "Consideration must be given to significant parties such as the Liberal Party. * * * It must not be denied the opportunity to present its candidates and its views on an equal basis with other substantial parties."

In this complex situation of equal time, the Liberal Party realizes that there have to be certain standards applied and certain limitations imposed. But distinction must be made between bona fide parties and candidates with a significant political program, and the others—or we will be throwing out the baby with the bath water. Let's not destroy the good principle of equal time because it contains a weakness in detail, but rather work to eliminate the weakness.

In the quest for both reasonableness and fairness, we would join with CBS in seeking to define just who is and who is not a legally qualified candidate. In this regard, we would hold that the standards and requirements of each State should be the determining guide.

For example, New York State has specific and stringent requirements. And for the broadcaster to deny a candidate, legally qualified and authorized by the State, the right to the airways, is to arrogate to itself a sovereign power of the State.

We agree that bona fide newscasts and on-the-spot news programs should be exempted from the equal-time requirements. But with regard to panel shows, interviews and documentary programs, we feel that only those should be exempted that are substantially removed from the participant's candidacy.

Unless a radio or television program comes clearly and unmistakably under the heading of news, it must provide the right to equal time for all legally qualified candidates.

We would make one exception. A candidate for the Presidency who is legally qualified in certain States, should be entitled to equal time only in those States and not nationally.

In the worldwide struggle that is now enveloping all of us—the struggle between democracy and totalitarianism—the problem we are discussing here becomes increasingly important. We must be on guard at every moment to see that the concept of free expression and communication is not eroded, eaten away by new encroachments, however slight or reasonable appearing. We are here involved in nothing less than a defense of the fundamental processes of democracy.

Mr. HARRIS. Mr. Chairman, for our final speaker, I yield 10 minutes to the gentleman from California [Mr. Moss].

Mr. MOSS. Mr. Chairman, first let me say that as the author of the amendatory language on page 2, I am somewhat flattered to find my colleagues, the gentleman from Michigan [Mr. BENNETT] and my good friend from California [Mr. YOUNGER], were so willing to buy it in committee and find it so distasteful now. The language was the language representing the consensus of a majority of the committee and the language had the effect of narrowing the area which would be exempted from coverage under 315. I had reservations, very serious reservations, and I might add that the conduct of the networks in refusing to carry a broadcast by the distinguished Senator from Minnesota [Mr. HUMPHREY] under the entirely specious argument that he was then a legally qualified candidate, did nothing to reinforce my judgment nor to make me feel that we could grant the networks carte blanche authority to determine who might or might not be permitted to appear on their stations. And the further action of those same broadcasting networks in what in my judgment was unconscionable handling of the efforts to inform the public on the various proposals before this body on labor did nothing to restore my confidence in their objectivity.

I think the conduct of the broadcasting networks must raise serious doubts in the mind of every Member of this House who might on occasion be subjected to their whims as to the advisability of opening up too far this area of first-person reporting.

Now let us get into very clear focus what we are discussing. At the present time under the Lar Day decision, the radio stations of this Nation may fully report the news without any restraint and without any requirement of equal time. Bear that in mind. They have the same latitude that is enjoyed by the American press. They may use photographs or stills, in the reporting of the daily news. It is only when they bring in the candidate in person either by way of a taped on-the-spot coverage or a live program originating in their studios that they are bound by the section that we are dealing with to accord equal time.

While I lack confidence in the complete objectivity of the broadcast industry, I feel in fairness to the American people that we should permit the stations the latitude they request here in the bona fide reporting of the news. We should permit them to use those techniques which are peculiar to radio and television. By doing so we will have more comprehensive coverage of the news.

I am not so naive as to believe we can ever legislate complete fairness. Here we have the broader public need to be informed, and that to me is far more persuasive than the arguments advanced by the networks or the radio station owners. But I do want you to realize fully what we are dealing with. It is a different type of coverage of the news. I note the gentlewoman from the State of Washington indicated her concern that there would be an inability on the part of the stations to report the news. That inability does not exist regardless of what we might do here today.

With reference to editorial comment: Editorial comment being reporting in the third person is not covered in this proposed amendment nor is it dealt with in section 315. This is a different problem. If there are those in the House who are concerned lest there be some prejudice worked against them, I would suggest they introduce legislation. This was not an easy subject to handle before the committee. I know of no instance where I could even remotely suggest that a member of the committee approached this problem with any other objective than achieving an answer to this problem in good faith.

As to the language we adopted, which the gentleman from California hoped the other body would not accept, and served notice that he would not vote for legislation if they did not broaden it. I want to say if the other body does undertake to broaden this legislation, then I will do everything in my power to defeat it. We are dealing with very solemn rights of the American people here, rights which we, as candidates, and those who oppose us have a perfect right and need to have protected. It is important to the American people that there be the broadest possible discussion of political issues. But, it must be a fair discussion of those issues. When we start to include panel discussions—you know how easily they can be rigged. You know how easily a panelist can have an unsympathetic moderator and how a program might be scheduled when you have a conflicting engagement. I would not want to exempt panel discussions. However, I would not deny a station the right to take a film clip of a news item clearly developed in connection with such a discussion and use it to report more accurately to the listening or viewing audience. I am not willing to have news documentaries opened up. What is a news documentary? Well, you can take the life of a candidate from the cradle up to the point where he files for public office—and that is a news documentary. It is wide open to abuse. Never forget that these are not super beings who run these radio stations. They are subject to the same prejudices as each one of us. We know from the performance of some of the members of the press that some of the elements of personal prejudice do clearly enter into the treatment of political candidates. There are few things closer to us than our politics—our religion and our politics. These we can become very, very self-righteous about—and we can insist that we are right with the righteousness of the righteous in these matters. Let us not open up this public resource. Every licensee is but the temporary custodian of a permit to utilize that which belongs to the people. A license would have no value if it were not regulated. If anyone and everyone could start a radio station tomorrow, radio stations would have no value.

They would be so jammed, you could not even pick up a broadcast.

This is important. Let us not open this any wider than it is in the committee amendment. The committee has wisely given the subject careful consideration and opened it up only to the extent necessary for the reporting in detail of the bona fide news which occurs across this Nation and throughout the world daily.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from California.

Mr. YOUNGER. Does the gentleman contend that on the programs known as "Face the Nation" and "Meet the Press" where a qualified candidate appears, candidates for all the other parties must also be given an opportunity to appear?

Mr. MOSS. I contend that program is not a bona fide newscast, nor is it a spot coverage of a news event, unless in the course of the program bona fide news develops. Then I say there is the right to take a clip of that program and use it in the reporting of news; but the program as such is not intended to be exempted.

Mr. YOUNGER. And it would still be under the jurisdiction of section 315 according to the gentleman's interpretation, and the gentleman wants to leave that as a record in the consideration of this measure?

Mr. MOSS. I most certainly do.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Michigan.

Mr. DINGELL. It is my understanding that section 315 of the present law does not authorize "Face the Nation" or any of these other programs mentioned by the gentleman from California [Mr. YOUNGER] to be exempt from 315, nor has it been so permitted at any time in the past. Am I correct in that?

Mr. MOSS. That certainly is my understanding.

Mr. DINGELL. Then what the gentleman from California seeks to do here, and I do not refer to the gentleman who just yielded to me but the gentleman from California [Mr. YOUNGER]; what he intends to do is actually to extend the scope of section 315 to a point where it might jeopardize the rights of candidates to equal time under the guise of what you might call news coverage.

Mr. MOSS. I think the committee's intent is very clear. We changed the language. We inserted the condition that the news must be bona fide and that the first-person reporting by the candidate be incidental to the reporting of the news. I would not construe that the entire program "Meet the Press" would be deemed exempt as being incidental to the reporting of the news; but a news development on that program reported on afterward showing the candidate making his newsworthy statement would be clearly included within the exemption granted by this language.

Mr. DINGELL. The gentleman was the author of the amendment to the bill which was adopted by the committee, and as such I am sure he is well qualified and capable of construing it.

Mr. MOSS. I thank the gentleman.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield.

Mr. HARRIS. The gentleman does not contend that such interviews as "Meet the Press" and such panel discussions as have been interpreted as coming within the provisions of section 315——

Mr. MOSS. Let me be sure of your meaning.

Mr. HARRIS. From what the report says and from what I explained a moment ago regarding certain of such panel discussions—if the gentleman will yield, it is important that everyone should know this—I think the gentleman realizes that until one of the networks took a clip off one of these programs only recently, it had never been construed as coming within the purview of section 315.

Mr. MOSS. I believe there has been difficulty in the past. I recall an incident when I was to appear on one of these national panel-type programs. In the interim between the invitation and the time of the program broadcast I was told that they could not permit me to go on because I had announced my candidacy and a candidate had announced in opposition to me. So that the situation which will arise under this amendment will be the precise situation that existed prior to the Lar Daly decision.

It would not be my intention to go beyond that. I think I tried in the committee discussion of my amendment to make it very clear that that was the intent.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. QUIGLEY].

Mr. QUIGLEY. Mr. Chairman, this bill is in the nature of a substitute. It is a substitute for the commonsense which the Federal Communications Commission ought to have but which unfortunately in the Lar Daly case so completely and so consistently managed to escape the majority of the Commission.

It is not often that I am afforded the opportunity to strike a blow for commonsense and, for this reason, I am happy to support H.R. 7985.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315(a) of the Federal Communications Act is amended to read as follows:

"SEC. 315. (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided,* That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any news, news interview, news documentary, on-the-spot coverage of newsworthy events, panel discussion, or similar type program where the format and production of the program and the participants therein are determined by the broadcasting station, or by the network in the case of a network program, shall not be deemed to be use of a broadcasting station within the meaning of this subsection."

With the following committee amendment:

Page 2, after line 10, insert the following: "Appearance by a legally qualified candidate on any bona fide newscast (including news interviews) or on any on-the-spot coverage of news events (including but not limited to political conventions and activities incidental thereto), where the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of news, shall not be deemed to be use of a broadcasting station within the meaning of this subsection."

Mr. COAD. Mr. Chairman, I offer an amendment.

Mr. HARRIS. Mr. Chairman, has the committee amendment been passed upon?

The CHAIRMAN. Is this an amendment to the committee amendment?

Mr. COAD. I have an amendment to the bill.

The CHAIRMAN. The question is on the committee amendment.

Mr. COAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COAD. Mr. Chairman, my amendment will also embrace an amendment to the amendment. Is this the appropriate time to offer it?

The CHAIRMAN. May the Chair say to the gentleman from Iowa if it is an amendment to the committee amendment it may be offered now.

Mr. HARRIS. Mr. Chairman, in order to assist and to expedite the matter, I ask unanimous consent that the gentleman may be permitted to offer his amendments en bloc, which necessarily go to the basic provision of section 315, also to the committee amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. Does the gentleman from Illinois [Mr. O'HARA] have an amendment?

Mr. O'HARA of Illinois. I have an amendment, Mr. Chairman.

The CHAIRMAN. Is it to the committee amendment?

Mr. O'HARA of Illinois. It is an amendment to the bill originally read by the Clerk.

The CHAIRMAN. There is a committee amendment pending now. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. O'HARA] because it is an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Illinois to the committee amendment: After the period following the word "subsection" in line 18 on page 2, add the following sentence: "The licensee of any broadcasting station over which such newscast or spot coverage of news appears shall be held by the Commission to a strict accountability."

Mr. O'HARA of Illinois. Mr. Chairman, I realize the difficulty of this sub-

ject and the diligence with which the committee has worked, but I am fearful of possible abuses. We might be opening up a press agent's paradise when campaigns would be determined by the artistry in devising exciting news events in which a favorite candidate would be thrown on TV screens in heroic and glamorous roles, such as rescuing a maiden from the waves.

The committee in its report, and the members of the Committee of the Whole in their remarks have sought to furnish a guide as to how news should be interpreted. But of course there is no definition of news. Everyone has a concept of what is news. The press agents of Madison Avenue are skilled in furnishing material for news stories. In this debate the members of the Committee of the Whole have sought to furnish some kind of a blueprint of what the Congress intends. So the amendment I am offering is merely to tie up that blueprint with the language of the bill itself.

The report of the committee states that a determination of what is a bona fide news story must be made by the broadcaster in the exercise of his bona fide news judgment. Then we turn to another part of the report and find: "Therefore, both the broadcaster and the Commission will have to exert a great deal of conscientious effort" and so forth.

My amendment merely says that the licensee of the broadcasting station over which the newscast is carried shall have the responsibility of strict accountability. It is not something to be determined solely by the individual broadcaster. If a broadcaster unfairly is working in a favorite candidate as a news subject, and the offense is flagrant the licensee of the station can be called to account.

My amendment does not go any further than that, but it definitely ties up what is in our minds, what has been expressed in the committee, what has been expressed in the report, ties it all up and makes it apply to the licensee of a broadcasting station. This I think would be an effective check on abuses that might develop.

Mr. Chairman, I trust that the Committee will accept my amendment, but if the Chairman believes that it will not serve a useful purpose, I shall be content with his statement.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

I appreciate the spirit behind the effort of our distinguished friend from Illinois in offering his amendment. Of course, we all realize that the licensee must be held strictly accountable for the operation of the station. The Communications Act itself makes that requirement. Every time he comes back for a renewal of his license, which is now every 3 years, he has got to give an account of the service that he has performed under the grant of that license. The amendment that the gentleman offers here at this particular point deals with the subject of political broadcasters, and the committee has tried to make a record and a legislative history here dealing with this subject. I trust that we will not be accepting amendments dealing with entirely different subject matters, because if we do, then we get the legislative history again in a confused status, and I am fearful we will have some of the same problems that we have been wrestling with and suffering with now for the last several years.

Mr. Chairman, I ask that the amendment be voted down.

Mr. O'HARA of Illinois. Mr. Chairman, in view of the statement of the chairman of the committee, let me state that I sought merely to be helpful and that it could serve some useful purpose. But, as the chairman believes not, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendent was agreed to.

Mr. COAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 1, line 6, after the word "office" add the following: "or representative of any political or legislative philosophy".

On page 1, line 8, after the word "office" add the following: "or representatives of any political or legislative philosophy".

On page 2, line 3, after the word "candidate" add the following: "or representative."

On page 2, line 11, after the word "candidate" add the following: "or representative".

On page 2, line 15, after the word "candidate" add the following: "or representative".

Mr. COAD. Mr. Chairman, this is basically a very simple amendment. I want to state right now, before I begin what I have to say about this amendment, that I appreciate very much the work of the committee and very much the work of the chairman, our colleague, the gentleman from Arkansas [Mr. HARRIS], in what he has done to bring this matter to the floor. I think that this is a very important step, one that goes to and reaches all of the American people. I would like to point out that what my amendment does is simply make it possible for the people of America to have presented to them fairly and squarely and honestly the issues on political and legislative philosophy just as we are exercising those rights here today on the floor of this House. In other words, if there are those who have a legislative philosophy about any given bill that is up and if, in a given situation, a network or television station or studio offers to one who has a legislative or a political philosophy, then by the same token those who feel otherwise ought to have equal time in order to present their views on the subject. That is all that it does. We know that the history of the past week, the history of the past month, has indicated that it is time that the American people have this right, have the right of freedom of speech on the part of all of those who have a definite philosophy about these matters. It is a right that we grant to the Members of this House. We do not throttle and silence those who may differ with us in philosophy on legislative matters. No, it goes to the heart, of the right of freedom of speech, as guaranteed by the Constitution, to present your ideas, to present your ideals and your philosophies about a given matter, and this is all that this amendment does.

I agree very much and wholeheartedly with my colleague from California [Mr. Moss], for this does not touch in any instance or change in any part the news broadcast aspect of this bill. It leaves it the same. It does not say that anyone who has a political philosophy or a legislative philosophy who, when covered by a news broadcast, must have equal time given to the opposite view. All that this does is to say to the networks, radio and television, that if you take the responsibility to give to someone who has a political philosophy or a legislative philosophy on any given subject, then you must provide the same amount of time to those who have a differing opinion to that philosophy. We know it happened to our beloved Speaker just this last week. And this is the kind of thing that this amendment will correct. We know what has happened to others in many instances down through the years, ever since 1927 when this original act, section 315, was passed.

Mr. Chairman, under paragraph C of section 315 of the act is ample provision whereby the Federal Communications Commission can draw up adequate rules and regulations by which the provisions of my amendment will be carried out. Under the rules of the Commission, the extraneous and the nuisance groups would be eliminated. The un-American groups would be eliminated. This amendment of mine will place all subjects of civic importance openly and fairly before the American people, but with the protection of the rules of fairplay set down by the FCC.

So all we have before us here is the question whether or not the American people are going to be guaranteed their rights by legislative action under the Constitution so that they can hear all sides of the story. If they do not want to enter into this, all that the networks have to do is to say that we are not going to start it; but if they do start it, then it is mandatory upon them to let all sides be heard. It is a matter of asking for fairness so that the American people can hear all sides of the story.

Mr. O'BRIEN of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. HARRIS. Mr. Chairman, will the gentleman yield to me for a unanimous-consent request?

Mr. O'BRIEN of New York. I yield to the gentleman.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. O'BRIEN of New York. Mr. Chairman, I would wish that this amendment were as simple as the distinguished author of it said it would be. We have been struggling all afternoon to try to determine what is a qualified political candidate. I wonder how many weeks it might take us to determine who would be the representative of any political or legislative philosophy. There might be 1,000 variations of the philosophy.

I have been 37 years in the news field and I have difficulty or would have difficulty defining for you today what news means. But I do not think if I lived for 50 years I could define for you the meaning of a philosophy.

If we adopt this amendment—and I know that the gentleman's intentions are very good and very fine—we might just as well tear up the bill.

I had not intended to inject myself into this discussion at all. But what we are trying to do here is inject commonsense into a problem which was dumped on our doorstep. I know the committee felt, and the House undoubtedly feels that 1 million words in a bill would not force anyone to be fair. We are going to have unfairness in this field no matter what we write. We cannot drain out the human element. But to me more important than the language of the bill—and I accept the language of the bill—is the legislative history which has been so carefully and adroitly written here today. The FCC and the industry are on notice, and the notice is, let the broadcasting industry beware of a blatant departure from objectivity, because everyone in this House, regardless of party, feels that the worst calamity which could happen to this Nation would be a one-party broadcasting industry with its tremendous impact, not so much upon the thinking of the Nation, but upon the emotions of the Nation which still regards television to a great extent as an entertainment medium. You are a hero or a villain. You are a character actor or you are a juvenile. That is the way this medium appeals at the present time to the public.

Now open it up to where the representative of any political or legislative philosophy would be entitled to equal time. If that happened, Mr. Chairman, none of us would have the opportunity of seeing our favorite western or whatever our favorite program might be. The networks and the local stations would devote every hour of broadcasting time to presenting representatives of these multiple economic, political, or legislative philosophies.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN of New York. I yield.

Mr. COAD. Is it not true under paragraph (c) of section 315 that the Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section? Is it not also true the responsibility of starting this kind of philosophy in the first place, that is, of presenting a program of one philosophy, political or legislative, is an incumbent responsibility on the network in the first place? So they do not have to start it, but if they do, then this amendment will require fairness.

Mr. O'BRIEN of New York. I do not think the Congress could write a law or that the Commission could promulgate a rule which would provide, without destroying the industry itself, time on the air for all representatives of any political or legislative philosophy.

Mr. McGOVERN. Mr. Chairman, I rise in support of H.R. 7985, a bill to amend the Communications Act of 1934, with respect to facilities for candidates for public office. This legislation is essential to clear up confusion and restrictions that now jeopardize the whole field of political broadcast.

We all know that the mass media of communications play a tremendous role in our political life. It is imperative that candidates for office be given equal consideration in the use of radio and television facilities.

On the other hand, as matters now stand, it will be virtually impossible for radio and television stations to offer adequate news coverage because of the apparent requirement that regular news reports, interviews, panel discussions, and on-the-spot coverage give equal time to all condidates.

I am very much in favor of the provision in H.R. 7985 which exempts from the equal-time requirement appearances "by a legally qualified candidate on any news, news interview, news documentary, on-the-spot coverage of newsworthy events, panel discussion, or similar type program where the format and production of the program and the participants therein are determined by the broadcasting station, or by the network in the case of a network program."

I earnestly hope that the Members of Congress will support what I regard as a sensible solution to this troublesome problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. COAD].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. TRIMBLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7985) to amend the Communications Act of 1934, with respect to facilities for candidates for public office, pursuant to House Resolution 343, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

STATUTORY INTEREST RATE CEILINGS ON FEDERAL BONDS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SIMPSON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SIMPSON of Pennsylvania. Mr. Speaker, I regret it is my obligation to call the attention of the House to an action taken today by the majority members of the Committee on Ways and Means that is of the gravest concern to the citizens of our Nation and to the people of the free world. I refer to the decision of the committee majority to suspend during this session of the 86th Congress any further consideration of a legislative request from the administration pertaining to the removal of the statutory interest rate ceilings on Federal bonds.

It will be recalled that on June 8, 1959, the President transmitted to the Congress a request for legislation removing the statutory ceilings on rates of interest on Government securities. The purpose of this legislative request was to facilitate economical and efficient debt management. It was directed to the forestalling of inflationary pressures and to the maintenance of public confidence at home and abroad in the soundness of our dollar and in the integrity of our Nation's credit. Following the receipt of that legislative recommendation the Committee on Ways and Means held 3 days of public hearings on the subject and then met in executive session until approval was given to a proposal that met the issue only part way and included one very undesirable amendment. This approval occurred on July 8.

The proposal was unsatisfactory in that it failed to give the administration the tools necessary to do the job of public debt management. It departed from the administration proposal in three major respects: First, it did not repeal the statutory ceilings but instead gave the President the authority to disregard them in the event he found such action to be required in the national interest; second, it imposed a 2-year limitation on this authority; third, it contained a "sense of Congress" amendment expressing the view that the Federal Reserve System should in effect undertake at least a partial pegging of the Federal bond market by buying securities of varying maturities. It was this latter amendment that was particularly objectionable.

When it appeared that this legislation would constitute the final action by the Committee on Ways and Means the minority members prepared views commenting on this majority proposal. So that the record may be complete I will

comrades in arms. Such a protest by the duly-elected representatives of the America people would renew the hope and confidence of the enslaved populations of the world and would reassure the people of the free world that America still stands as the bulwark of resistance and strength against the tyrannical despots of international communism.

As additional reasons for the necessity of nonacceptance by Congress of this personal diplomacy of our Government, the Khrushchev visit to the United States at the invitation of President Eisenhower constitutes a strong and telling propaganda victory for the Soviet leadership, because:

First. It has been sold to the Russian people as an unselfish concession by their Government toward the softening of world tensions and also that the American people are enthused over this exchange of visits and are keen for them.

Second. It has further been sold on the basis that the personal discussions between Khrushchev and the President, speaking on his own admission, only for the United States and not the Western World, mean that the unified front of the Western nations is breaking up and that this will result in the isolation of the United States and eventual emergence of the Soviet Union as the supreme power of the world.

Third. Personal visits of leaders of other nations of the Western World will follow those of Macmillan and Eisenhower. Trade proposals and promises of cooperation will be held out for the purpose of further undermining Western unity and cohesion.

Furthermore, it appears indicated that visits and return visits with these planned all-out welcomes, handshakes, and backslapping are to result in the burial of basic differences and incompatibilities. Also to accompany these superficial gestures toward the atmosphere of peaceful and amicable coexistence, the Soviet leadership will stage economic and scientific projects to indicate her desire for peace and the end of her cold war techniques.

The only way that the wily and shrewd leaders of the Soviets can put over this shell game on the Western World is for us dumbly to accept their advances as sincere. If we will only remain aware that these schemers remain, down deep, as tough and unscrupulous as they were when they murdered Hungarians with their tanks and machineguns; when they ruthlessly shot down the revolting East Berliners; when they cynically broke every agreement that they made with us; when they enslaved Estonia, Latvia, Lithuania, and the other satellite peoples, then, and then only, shall we, once again, push back this new offensive of Soviet insidiousness.

Therefore, it seems only sensible and necessary that Congress, representing the people of America, should refuse to accept Khrushchev, this symbol of repression and bloody murder, in any official or semiofficial manner whatsoever. Certainly, we should not adjourn until he has come and gone from Washington in order to demonstrate that we are not buying his merchandise, which is nothing more than the same old shoddy goods he and his predecessors have been selling for these many years. The President has invited him—let the President extend whatever protocol he deems proper. Let us, the Congress, tolerate this visit as a phase in the President's constitutional authority to conduct foreign policy. But let us, the Congress, demonstrate by our negative reaction that we must be shown by deeds, not words alone, that Khrushchev and his government have really changed the spots of conspiracy, aggression, and scheming, which have bloodied their hands over the years, before we extend any official recognition that we feel that Soviet aggressive intentions have changed.

Congress should not adjourn, neither should Congress recognize the visit of this symbol of ruthless, cruel, despotic, and conscienceless power.

YAKIMA FEDERAL RECLAMATION PROJECT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3335) to provide for the apportionment by the Secretary of the Interior of certain costs of the Yakima Federal reclamation project, and for other purposes, with amendments of the Senate thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "project." insert "The difference between the amounts previously authorized by such 1914 and 1940 statutes to be appropriated and credited to the reclamation fund and the amount of the cost assigned to the Wapato Indian irrigation project pursuant to this Act is hereby authorized to be appropriated out of any funds in the Treasury not otherwise appropriated, and to be credited to the reclamation fund. Such difference shall be made available in amounts not to exceed $20,000 annually."

Page 1, line 9, strike out "If the remainder" and insert "If the amount not assigned to the Wapato Indian irrigation project pursuant to this Act".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, will the gentleman state whether this matter has been cleared with our side?

Mr. ASPINALL. I will say to the distinguished gentleman that it has been cleared with the minority side as well as the majority side.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDING COMMUNICATIONS ACT OF 1934 WITH RESPECT TO FACILITIES FOR CANDIDATES FOR PUBLIC OFFICE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2424) to amend the Communications Act of 1934 in order to provide that the equal-time provisions with respect to candidates for public office shall not apply to news and other similar programs, a bill similar to the bill, H.R. 7985, just passed by the House, and ask for its present consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315(a) of the Communications Act of 1934 is amended by inserting at the end thereof the following: "Appearance by a legally qualified candidate on any newscast, news interview, news documentary, on-the-spot coverage of news events, shall not be deemed to be use of a broadcasting station within the meaning of this subsection, but nothing in this sentence shall be construed as changing the basic intent of Congress with respect to the provisions of this Act, which recognizes that television and radio frequencies are in the public domain, that the license to operate in such frequencies requires operation in the public interest, and that in newscasts, news interviews, news documentaries, on-the-spot coverage of news events, all sides of public controversies shall be given as fair an opportunity to be heard as is practically possible."

SEC. 2. (a) The Congress declares its intention to reexamine the amendment to section 315(a) of the Communications Act of 1934 made by the first section of this Act, at or before the end of the three-year period beginning on the date of the enactment of this Act, to ascertain whether the remedy provided by such amendment has proved to be effective and practicable.

(b) To assist the Congress in making the reexamination of the amendment made by the first section of this Act, the Federal Communications Commission shall make a report to the Congress, within fifteen days after the close of the year beginning on the date of the enactment of this Act and within fifteen days after the close of each of the following two years, setting forth (1) the information and data used by it in determining questions arising from or connected with such amendment, and (2) such recommendations as it deems necessary to protect the public interest and to assure equal treatment of all legally qualified candidates for public office under section 315 of the Communications Act of 1934.

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Strike out all after the enacting clause of S. 2424 and insert the provisions of H.R. 7985, as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill, H.R. 7985, was laid on the table.

ADMISSION OF RED CHINA TO THE UNITED NATIONS

Mr. KASEM. Mr. Speaker, I ask unanimous consent to address the House